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ABSTRACT

This booklet is designed for students participating in the Utah CloseUp program. The goals of this program include teaching secondary students about the operation of state and local governments and the juvenile justice system; how laws and decisions are made and enforced in the legislative, executive, and judicial branches of state and local government; the roles of elected and appointed officials; the interplay of forces that affect decisions; and governmental processes, using selected local and state issues. This book focuses on three issues: (1) taxes versus services, (2) juvenile crime, and (3) family violence. For each issue there is a section giving background information about the topic and discussing the various points of view different groups hold about the topic as well as reprints of newspaper articles about the issue. The section dealing with taxes is the longest and also includes a general discussion of the role of government. A final section deals with possible community involvement projects for secondary school students. (IS)

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Utah

CloseUp

1984

By
John A. Harja

SP 016 565

Utah State Office of Education, Sale Lake City.
Office of Curriculum and Instruction

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Special thanks to the CloseUp Foundation for the use of the CloseUp name and logo. We wish to thank Mr. John A. Harja for researching and writing the 1984 Utah CloseUp Handbook and Mrs. Eva-Maria Bates for typing the manuscript.

We also express appreciation to the host families who so kindly extended their hospitality to the students who came from areas outside of the Greater Salt Lake Area.

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OVERVIEW OF NATIONAL CLOSEUP PROGRAM

A delegation of over 300 Utah high school students representing over 30 school districts in the state participated in one of three week long National CloseUp programs during November and December, 1983.

CloseUp, a nationwide educational foundation program, provides both students and teachers from high schools throughout the United States with the opportunity to spend a week in intensive, firsthand study of government in our nation's capital.

Senators, representatives, administration officials, reporters, lobbyists and other newsmakers spoke about what they do and where they stand on national issues. During lively question and answer sessions, students had the opportunity to challenge these experts. The program led students to a richer understanding of the political process.

Students learned how they can be involved in government. Many of these students will be joining one-hundred and fifty other students and teachers from Utah in one of the two Utah Local CloseUp Programs which are slated for January 24-25, 1984, and February 16-17, 1984. This experience will provide students with direct participation in the governmental process and skills to effect change at the local level.

During their stay in Washington, D. C., students

- Participated in 12 to 15 seminars during the week; each session with a different speaker.
- Met in workshops throughout the week to discuss issues and the day's events.
- Went on a tour in the early part of the week's program and were introduced to Washington, seat of government and home for over 750,000 people.
- Visited Williamsburg, Virginia, for a day and a half.
- Took a breather from total immersion in government to attend a play one evening, ate at a local pizza parlor, and concluded the week with a banquet and dance.

Students and teachers in public, private, and parochial secondary schools are eligible to participate in the CloseUp Program. Students must be in the tenth, eleventh, or twelfth grade and must be doing satisfactory academic work. Participants

in schools affiliated with CloseUp normally enroll through their schools. A teacher/coordinator is appointed in the school to provide information and to coordinate participation. The teacher/coordinator accompanies the students to Washington and meets with them throughout the week.

Students or groups in Utah schools not affiliated with CloseUp may also apply. Each year, participation from Utah students increases dramatically. If you wish to participate, please contact Mr. Boone C. Colegrove, Utah State Office of Education, 250 East Fifth South, Salt Lake City, Utah 84111, telephone: 533-6040. He will assist you in making contact for participation for the 84-85 school year.

UTAH CLOSEUP PROGRAM: AN OVERVIEW

The Utah CloseUp Program is based upon the belief that students need to have an understanding of the roles of state and local governments, of politics and law, and of the rights and responsibilities of citizens in a democracy if the American experiment in self-government is to survive.

Goals of the program include assisting students and teacher participants to gain an understanding of:

- The operation of state and local governments and the juvenile justice system;
- How laws and decisions are made and enforced in the legislative, executive, and judicial branches of state and local government; the roles of elected and appointed officials; and the interplay of forces that affect decisions; and
- Selected local and state issues that will provide focus for a study of governmental processes.

The program also provides students with an opportunity to learn group leadership skills and participate in the political process as they return to their homes and begin work on resolving critical issues in their own communities. It is hoped that Local CloseUp participants will consider their involvement in the two-day program as only the introduction to a lifetime of active participation in the miracle of American democracy.

To assist students in meeting these goals, this book is presented. The book consists of three selected issues facing the citizens of Utah today; the role of Government (Taxes vs. Services), Juvenile Crime, and Family Violence, and a Community Involvement section designed to help students become involved in the issues and needs of their own community.

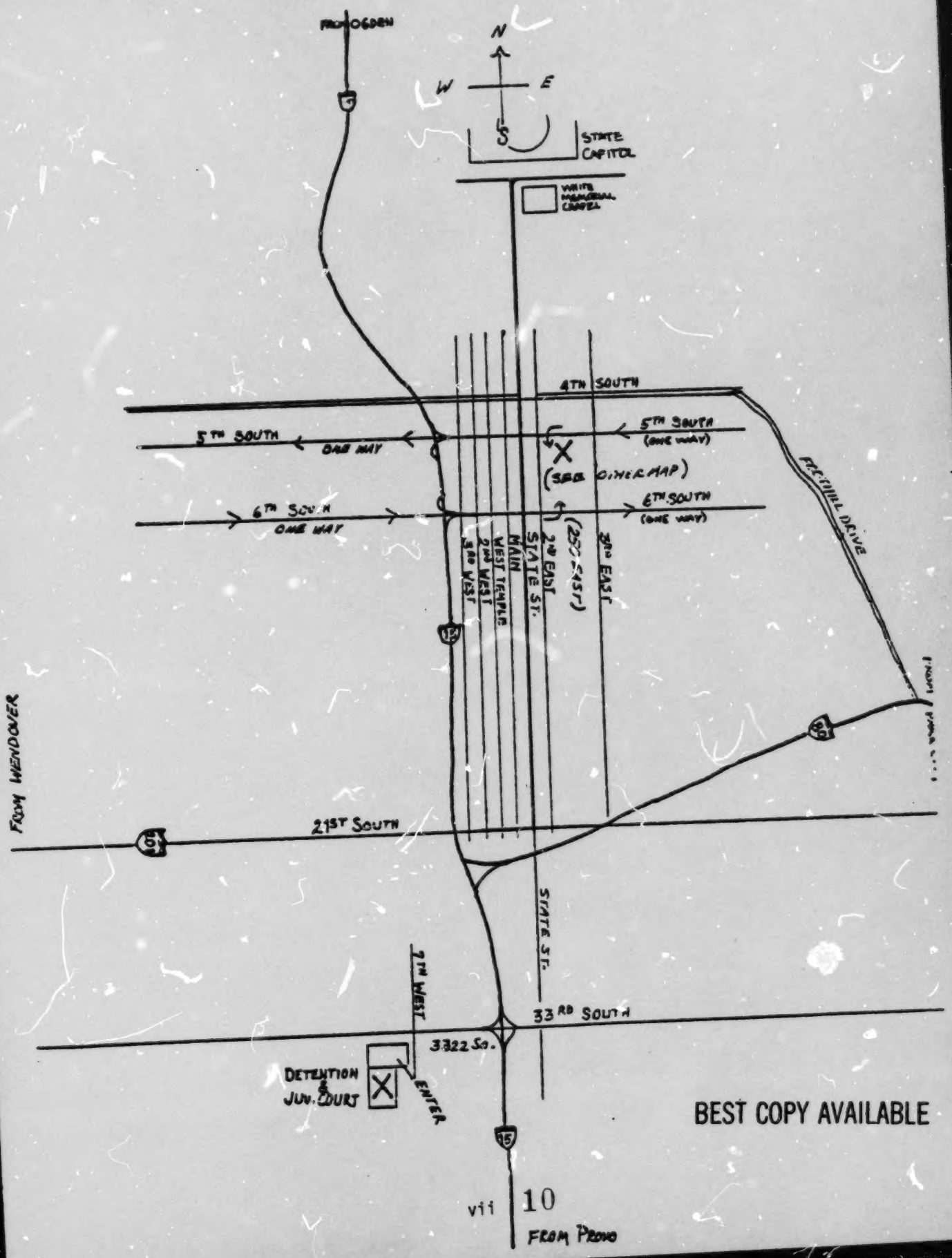
Students need to read the Taxes vs. Services statement very carefully, and with a critical eye. The ideas are not presented as statements of fact, but as a presentation of different views on the topic. The students are encouraged to discuss the ideas presented among themselves, and with the sponsoring teacher. The section is designed to encourage

the student to see the "big picture" of government. Legislators keep many factors in mind as they debate the laws. The students should approach their visit to the capital with the same frame of mind.

Family Violence and Juvenile Crime are more specific issues that may affect students directly, or someone the student knows. They are presented in an informational manner, to help the student understand the background of these issues facing government and society.

The issue making all the noise this year is Education. Governor Matheson has proposed a large tax increase to pay for improvements to Utah's educational system. The issue is not included here as the newspapers are full of various viewpoints and proposals. These should be reviewed as well (remembering the Taxes vs. Services section) prior to participating in CloseUp.

The final section contains some sample Community Involvement projects. There will be time while in Salt Lake City to plan each school's project, but students should think ahead about the project, so they can make the most of the time allotted.



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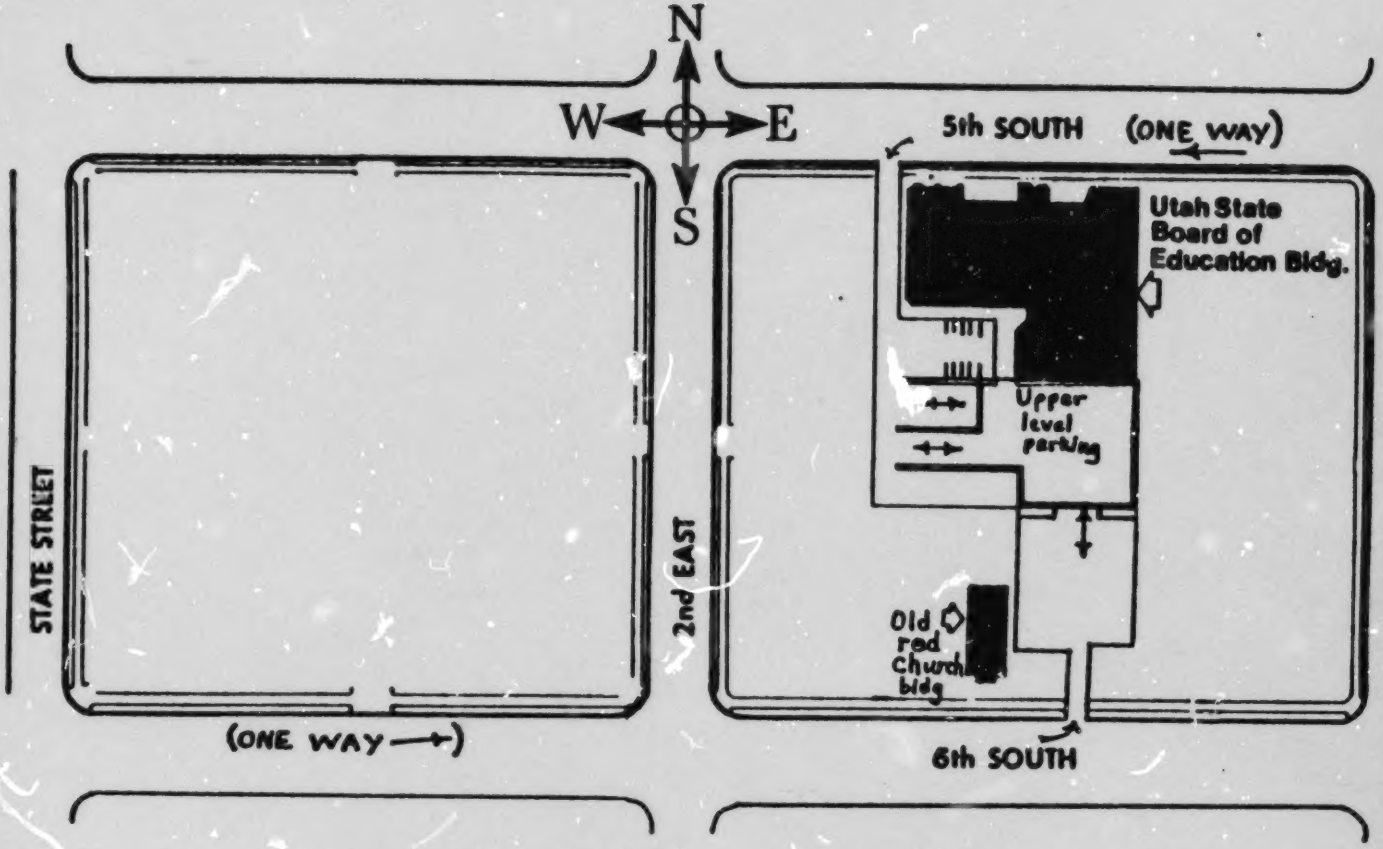
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STATE AND LOCAL GOVERNMENT IN UTAH
A PRIMER

The Constitution

The Constitution of Utah sets up three branches of government: the Legislative makes the laws, the Executive carries out the laws, and the Judicial explains the laws. The Constitution contains a Bill of Rights, and includes a way for the people to add amendments.

The State Legislature

The State Legislature is made up of two houses. The Upper House is called the Senate, and is comprised of men and women elected for four-year terms from 29 geographical districts of comparable population. The Lower House is called the House of Representatives, and is composed of 75 men and women who are elected to serve two-year terms as representatives of the citizens of 75 separate districts from across the state.

The State Legislature meets for twenty days in even-numbered years in a budget session and sixty days in odd numbered years in a general session to enact laws of general state interest.

The State Legislature works a lot like Congress. Bills are assigned to committees, based upon subject matter. The bills that are approved by the committees are then taken up by each House. If both Houses approve a bill, it is sent to the Governor who can approve or veto it. The Legislature can override the Governor's veto if 2/3 of the members of each house vote to do so.

The job of the Legislature is to improve the lives of the people in the state. This is done by passing laws in such areas as: Schools and Colleges, Hospitals and Medical Care, Welfare, Farms, Business, Roads and Bridges, Insurance, Banking, Mines, Parks, Marriage and Divorce, and Commerce Within the State.

Laws enacted by the Legislature are called statutes. Those enacted by city and county government are called ordinances. Administrative agencies create regulations or rules.

The Governor

The Governor is the head of the Executive Branch. The Governor

is Commander in Chief of the State military forces. It is the Governor's job to see that state laws are carried out. He or she also names the heads of many state agencies.

The Governor has much to say about the making of laws by suggesting new laws and vetoing the ones he or she does not like. The Governor can also issue executive orders which fill in the details of a bill passed by the State Legislature.

Several other officials help the Governor run the Executive Branch of state government. The most important of these are the Lieutenant-Governor, Attorney General, Superintendent of Public Instruction (appointed by the Utah State Board of Education), the Auditor, and the Treasurer. The Lieutenant-Governor takes care of all state records and assumes the Governorship if the Governor dies or leaves office. The Attorney General is the state's chief legal officer. If Utah becomes involved in a legal case, the Attorney General takes charge. The Superintendent of Public Instruction is in charge of all public schools in Utah. He or she is advised by the State Board of Education. The Auditor and Treasurer deal with the state's money.

The Courts

Utah has courts that hear civil and criminal cases based on state laws. There are also federal courts in Utah which hear federal civil and criminal cases.

In Utah's court system, the circuit courts may decide all cases dealing with county or municipal ordinances. The circuit courts may also deal with all misdemeanors and give punishment up to a $1,000 fine and one year in jail. Civil claims up to $5,000 may be heard.

A department of the circuit court known as small claims court allows persons and corporations to sue and be sued for amounts not exceeding $600. In these courts, no attorney is needed by either party. In some areas of the state, justices of the peace are used. They may decide cases arising under the ordinances of their towns. They may hear civil claims up to $750 in some types of cases and may rule on less serious misdemeanors.

Utah District Courts are both trial and appellate courts. As trial courts the Utah District Courts have the power to decide any civil cases and criminal cases dealing with felonies under state law. The district courts also act as appellate courts for justices of the peace and circuit courts.

The Utah Supreme Court, comprised of the Chief Justice and four Associate Justices, is an appellate court that decides appeals from the district courts. Sometimes its decisions may be appealed to the U. S. Supreme Court or a federal district court.

Political Power of the People

One way in which the people of Utah have a voice in their government is by electing officials to represent them. Another way is called the Initiative. An initiative is a way for people to suggest new laws. First, they must get a certain number of signatures on a petition. Then one of two things can happen. The bill can be sent to the Legislature and voted on, or it can be voted on by the people themselves during a regular election.

Another way of giving the people more political power is the Referendum. This gives people a chance to vote on a bill before it becomes a law. Utah requires a referendum before any amendment can be added to the State Constitution.

The following is excerpted from Practical Law in Utah, Second Edition, 1981, Utah State Office of Education:

> Fundamental to our form of democratic government is the right of citizens to participate in the making of law. Constitutionally guaranteed rights to vote, to seek and hold public office, and to have access to the judicial system are the cornerstones of citizen involvement in government. Other methods of citizen involvement include letter writing, conversations with elected or appointed officials, demonstrating, picketing, and lobbying. These methods are founded in the First Amendment guarantee of free speech and the right to petition the government for a redress of grievances.
>
> The opinion of the people, either in groups or individually, is almost always a major factor in the formulation of laws (including the rules and regulations of governmental agencies). Elected officials are, of course, dependent upon the vote of those whom they represent and for that reason usually go to great effort to discover how the majority of their constituents feel about important public issues. It is not surprising, therefore, that almost all laws and regulations enacted by Congress, the state legislatures, and governmental agencies are at least in part the result of lobbying by individuals or groups interested in their enactment, amendment, or defeat.

Public opinion can, and often does, affect the implementation and interpretation of existing laws and regulations by governmental agencies. Local examples of such public opinion are to be found in the debate which has swirled about the proposed Salt Palace expansion project, the annexation of Emigration Canyon to Salt Lake City, the Intermountain Power Project, and the rates established for utilities.

Citizens can also influence the method by which their tax dollars are spent. Participating in the public meetings held by city and county officials, school districts and boards, zoning and planning commissions, and the like, can greatly influence priorities for specific projects, e. g., where a park should be established, the curriculum in the schools, commercial or residential development in neighborhoods, and a variety of other subjects.

While administrative agencies often take public opinion into consideration in making their decisions, the judicial system (the courts) at least in theory does not. They interpret the law as enacted by the legislative body, or based on prior court interpretations and are supposed to be isolated from public or citizen pressures. The use of a jury, of course, does bring citizen involvement into the judicial system to determine questions of fact. Questions of law are handled by the Judge. This citizen involvement is much different from attempts to influence the making of law by legislative or administrative agencies.

Lobbying is a specialized form of citizen involvement in the lawmaking process. A lobbyist is a person who contacts members of the lawmaking body in an attempt to influence the making of law. Most lobbyists are official representatives of organizations such as labor unions, community or business groups, consumer groups, service organizations, and the like. Many lobbyists receive compensation for their efforts while others receive no pay. Among paid lobbyists at the Utah State Legislature are those representing the Utah Manufacturers Association, the Utah Education Association, and organized labor. Unpaid lobbyists would include representatives of the Utah Symphony and the arts, generally. In Utah, paid lobbyists must register with the Secretary of State, pay a small fee, and disclose their employers' identities.

Lobbyists perform a very valuable function by providing information to legislators on how pending legislation will affect various segments of society. Lobbyists provide expert advice and information which, otherwise, the legislator might not get. Legislators rely heavily

on lobbyists to supplement the information provided by legislative research staffs and committee reports. A good lobbyist must obviously be very knowledgeable in his or her field, have a command of parliamentary procedure and legislative or agency rules, and become acquainted personally with as many lawmakers as possible.

In summary, the people's rights to participate in and influence the making of law, as well as the interpretation and implementation of law, is an important tool to protect valuable rights and privileges and to make the citizan's views known on particular issues."

Local Government

The basic unit of local government is the county. Utah is divided into twenty - nine counties.

Collecting taxes is one of the main jobs of a county. Usually the state government sets the rules about taxation, but the actual collection is left up to the counties. They can also raise money by requiring businesses to buy licenses. A license is a permit that allows a business to operate. Permits such as these are also required when doing certain things. One of the best examples of this is a marriage license.

Counties carry on many activities with the money they collect, such as paving roads, providing parks and playgrounds, and taking care of the poor. It is also up to counties to protect the people from crime, fire, and disease.

Counties also offer their citizens ways to make their lives more comfortable. One way is through zoning laws, which set aside certain neighborhoods for small homes, other neighborhoods for large apartment buildings, and still others for stores and factories.

The Legislative Branch of a county government is called the county commission. A county commission has three members.

Three officials who deal with the fight against crime are the sheriff, the county attorney, and the coroner.

Officials who handle money matters are the treasurer, assessor, and auditor. The recorder and county clerk handle the records.

Counties in Utah are divided into cities or unincorporated areas (governed by the county government alone). City governments take different forms in Utah. Under one form, usually called the commission type of government, the citizens of the city

elect officers who act as the legislative and executive branches of the city government. Each officer is usually in charge of one or more departments such as Public Safety, Streets and Public Improvements, or Public Affairs and Finance. The mayor under this form usually has little more power than any other member of the commission.

Other cities have the council-manager type of government. Here the voters elect a city council which hires a manager. The council retains legislative and executive powers, but the manager runs day-to-day operations in the city.

The third type of government is the mayor-council type. Both the mayor and council are elected in cities with this type of government. Small cities may give most of the power to the council. This is the weak mayor form of the mayor-council type of city government. Large cities use the strong mayor form, under which the mayor holds the executive power, and the council the legislative power.

Cities provide many services to their citizens, such as police and fire protection and public health services. They also provide parks and playgrounds for relaxation. They also keep the streets clean and well-lighted.

All of this costs money, of course. Today, some cities do not have as much money with which to operate as they once had because people and businesses are moving out of the cities and into the suburbs. This means that the cities are not collecting as much in taxes as they used to collect. At the same time, the people who stay in the cities still need all of the same service.

Taxes Vs. Services

Government today at all levels provides services which were earlier provided by churches, families, and others, if at all. Government has moved in when citizens complained that services were inadequate or improperly administered. But governments are not businesses. People do not walk into government offices to purchase services voluntarily,giving government a profit which it can apply to other purposes. The way governments usually obtain the money needed to operate services requested or required by the public is through the coercive route of taxation. Because taxes are not collected at point of service, people often forget that whenever someone obtains something from government, someone else has to pay for that service through taxation.

Which services do you think should be provided by government? Which services presently being provided in your community should be terminated or financed through other means? One approach that is receiving growing support is the "fee for service," including such things as toll roads, park user fees, and bus transportation. Often such services are heavily subsidized by tax revenues, and the fee for service serves more to limit use of the service than actually pay a significant part of the cost.

Education uses more than half of each tax dollar collected in Utah. Is that money well spent? What about interscholastic athletic competition? School lunches? Spending extra money to meet special needs of special groups, such as the handicapped?

Someone once said that there is no such thing as a free lunch. When government gets involved, however, there may be -- at least for some, since someone else ends up paying the bill. Is that fair? Should governments remedy social injustice?

The Role of Government

Recently in the Salt Lake Tribune there appeared an advertisement soliciting funds to help finance the campaign of a candidate for Utah governor. As part of the ad, the following two paragraphs appeared:

> "We want a governor who has the courage to stand up to the federal government and remind Washington occasionally, that the states created the federal charter; that it is time the 'PARENT,' the states, discipline and bring back under control its unruly 'CHILD' in Washington."
>
> "We want a governor who will hold high and be proud of the Constitution of the United States; who will interpret it in the TRADITION OF THE FOUNDING FATHERS . . ."

What exactly do the advertisers mean by the "parent" states disciplining the unruly federal government "child?" The United States is a democracy. The sovereign power---the self-sufficient source of political power---resides in the people as a body, as opposed to monarchy, where the sovereign power resides in one person, a royal ruler. Additionally, most governmental entities in the United States are republican in form, where the people elect representatives who meet to legislate, as opposed to the direct form of democracy (such as found in ancient Athens and township meetings in New England) where it is the duty of all citizens to meet and vote on laws and

other necessary measures. The fundamental entity in the republican form of government has historically been considered the state. At the time of the American Revolution, each of the 13 colonies separately inherited the sovereignty of King George III upon their declaration of independence. They were the "United" States only in the sense that they banded together and pooled their resources to win the War of Independence--they were actually a confederacy at this time.

It was only after adoption of the Constitution that the states united into a union (or federation) and established a national (or federal) government, and agreed to grant some of their sovereign powers to the federal government, and agreed to make the laws passed by the national legislature (Congress) the "supreme Law of the Land"--see Article 6, Section 2 of the Constitution. No state may make any laws contrary to the will of the national legislature, who presumably are concerned about the interests and needs of the entire nation. However, this does not mean that Congress may pass laws on any topic it chooses. The Congress was only delegated the authority to deal with certain types of problems. The states retained the authority to deal with all other topics. Article I, Section 8 of the Constitution contains the basic grant of authority to Congress. Congress may, among other powers, borrow money on the credit of the United States, establish uniform rules on bankruptcies and naturalization, establish the post office, declare war, provide for an army and navy, regulate commerce with foreign nations and among the states, establish patents and copyrights, coin and regulate the value of money, establish a federal court system inferior to the United States Supreme Court (which is established by Article III of the Constitution), levy and collect taxes, duties, imports, and excises to pay the debts of the United States (as long as all taxes, duties and excises are uniform throughout the U. S.), and to make all laws which are "necessary and proper" to carry out the above powers. In short, Congress was given the authority to deal with problems that were "national" in nature. The states retained the authority to deal with all other topics, presumably since they were more regional in nature. For instance, you will find no federal laws concerning marriage, divorce, adoption, property succession, and the like.

This is the concept of "federalism." The federal government and the 50 state governments each have sovereignty within their own jurisdictional fields, with the states retaining jurisdiction over all topics not delegated to the federal government. Most city and county governments (and other local entities) are also governments with powers delegated to them by the states. What exactly does this mean? What should happen if a city government passes a law on a topic that exceeds its authority? What if the federal government does so? And

most importantly, who should be the one to decide the act is beyond the grant of authority?

For instance, should the states be the ones to unappealably decide that a particular law passed by Congress is beyond its scope of authority? Or should the federal government decide? Early in the history of the Constitution (1803), the U. S. Supreme Court held that it was the one who would decide if an act of Congress (or of a state with respect to limitations on state power also found in the Constitution) was beyond the scope of its authority, and therefore unconstitutional. Therefore, it is the United States Supreme Court who has the final say about the meaning of the terms of the Constitution. This is not to say that the Supreme Court has the final say in all matters. For instance, a dispute concerning the meaning of a term in the Utah Constitution or of a law concerning Utah's succession laws would be decided by the Utah Supreme Court. Only those issues that concern federal constitutional terms (thus presumably of national concern) would be appealable to the United States Supreme Court.

Do you agree the states are the "parents" and the federal government, the "child?" Remember, the federal government possesses sovereignty of its own. (As a side issue - was the compact made between the several states, or between each state and the federal government?) If the states are parents, how do they discipline the child? Assuming the present interpretation is incorrect, how do the states tell Congress and the Supreme Court how federalism "correctly" operates?

The Constitution also contains restrictions on the sovereign powers of the states, and upon the right of both the federal and state governments to interfere with personal liberties and freedoms. The former are found primarily in Article I, Section 10 of the Constitution, and the latter are in the first eight amendments to the constitution--the Bill of Rights. (Technically, it must be noted that the first eight amendments only limit the authority of the federal government: "Congress shall make no law ...' However, most of these restrictions have been held applicable to the states as well, through Supreme Court interpretations of the "due process" clause of the 14th Amendment.)

Thus, the issue of the role of government resolves itself into two basic concerns. First, what is the proper balance of power between the federal, state and local governments (and the people)? Which level of government presently has the authority to deal with certain topics, or more importantly, which level should have this authority? Second, which parts of the affairs of society are appropriate for <u>any</u> governmental entity to concern themselves with? Should any governmental unit pass laws or regulations banning monopolistic business

practices, "indecent" movies on cable TV, or parking in certain parts of town? What activities are appropriate for governmental intervention?

At the time of the Revolution, America was a rural, agricultural nation. Today it is a highly urban, industrialized nation. However, the sheer size of all levels of government, and the scope of activities of each, is far greater today. How can this be under the same Constitution? If the federal government has only certain delegated powers, how can it expand into new areas of regulation?

Consider the following example of a possible shift in control from the states to the federal government. As you do, try to decide first if the proposed shift has merit. Will a perceived evil be solved, and if so, at what cost to the concept of federalism? Will federalism be damaged by the shift? Second, try to decide if the proposed shift is legal (constitutional) and who should decide if it is? Suppose there is a plant in Nevada that processes lamb for sale to meat markets in Nevada, Utah, and Idaho. The people of Utah and Idaho become convinced that conditions at the Nevada plant are not sanitary enough and that the lamb may not be healthful to eat. The people of Nevada think their meat processing rules are satisfactory, and the lamb is perfectly safe. Can the people of the sovereign states of Utah and Idaho in any way directly force the people of Nevada to change their laws? (This example is not a reflection on the state of Nevada - the names are chosen only as examples.) They might indirectly force Nevada to change through a boycott of lamb, but is there a direct way? (What chances are there even the boycott may be effective?) Who can the people of Utah and Idaho turn to? The federal government? Nowhere in Article I, Section 8, of the Constitution is Congress given the authority to regulate meat packing businesses. The Constitution is not that specific. Should it be? Therefore, according to federalism, only the states have the authority to regulate the plants, and no other governmental entity can force Nevada to change its laws. Do you agree?

The Constitution does give Congress the power to regulate commerce among the states, and to enact all laws "necessary and proper" to execute this authority. Therefore, Congress does have the authority to regulate the sale of lamb across the Nevada/Utah state line. (But presumably not the sale of lamb entirely within the state of Nevada.) Could Congress regulate sanitary conditions in the plant either because the plant is a component of "interstate commerce," or because such regulation is "necessary and proper" to the proper functioning of a sound interstate economy (no state bickering)? What do you think? Is this constitutionally permissable? Who decides, the states or the feds? Does this damage federalism? Assuming Congress could do so, is such a shift of authority in the

tradition of the founding fathers? Or did Congress have the authority all along and simply chose not to use it until now? Congress has asserted its authority in this way, and the federal courts have upheld the assertion as constitutionally permissable. If you think Congress has gone beyond its powers (an unruly child), how can the situation be changed?

Regulation does tend to encroach upon a person's ability to do anything he chooses, anyway he chooses. Is this a loss of "freedoms?" If so, is the loss of these "freedoms" worth it? What happens in return? Why were these laws ever considered in the first place? Why do the people behind the ad mentioned above want to interpret the Constitution in the "tradition of the founding fathers?" What is this tradition?

The scope of governmental activity, both in regulation and spending, has greatly increased. Consider the following article about the rise in governmental regulation (from Lechtreck):

> Public regulation has also come about surely but slowly. As society becomes more complex, the government escalates its regulation of it. Seven different reasons can be given to show how solidly these regulations are based on the nature of man and human society. First, people have a need for, as the Preamble of our Constitution puts it, domestic tranquility. Hence, the laws were enacted to allow unions to bargain over wages and working conditions after decades of rioting caused by conditions of semiservitude. Another need of the people is to be able to pursue happiness, to use an expression from the Declaration of Independence. So zoning laws were passed to protect us from noisy and stinking factories. Third, people deplored being exploited. Antimonopoly laws, public utility regulation and consumer protection laws are simply extensions of the commandment, "Thou shalt not steal." Laws requiring honesty in advertising are simply extensions of another commandment, "Thou shalt not bear false witness." Also, people want to be healthy and live a long life, so pure food and drug laws were enacted when it became obvious that we were dying from contaminated food and untested drugs; and air and water pollution laws were enacted to prevent our being slowly but surely choked and poisoned to death. A fifth reason for government regulation is the public's need to know what the future will be like so it can plan ahead. This means, among other things, eliminating the boom and bust cycle, so the Federal Reserve Board was created to regulate the amount of money in circulation. Also, people want to be free from foreign domination, so hundreds of laws were adopted to strengthen the economy and give the President war time powers to pull the country through a crisis. And lastly, in a technological society, corporations must be kept from running into each other. The Federal

Communications Commission, for example, was created when it appeared that chaos would develop if new radio stations were allowed to broadcast from any frequency they chose.

Occasionally, regulation is not feasible, and the principle of public ownership is utilized -- sometimes as a good in itself and at other times as a necessary evil. Private septic tanks have been replaced by sewers in an effort to stem diesease. City-operated fire departments were created when it became obvious that volunteer departments were unable to cope with cities rising upward and expanding outward. Public schools were built from kindergartens to colleges, to promote the learning necessary for citizenship and happiness. The Tennessee Valley Authority was authorized because private power companies claimed that they could not afford to serve the region's poor.

Do you agree with this reasoning? Is it really an explanation, or merely a restatement of history? Is this trend toward regulation within the tradition of the founding fathers, or against it? Is the government seizing liberties, or merely responding to cries for help from the people?

It would seem that in order to decide what role government should play in society, you need to decide exactly what the purpose of government is. What do you think? Consider these thoughts (from Lechtreck):

The Declaration of Independence says that government exists to secure the rights of "life, liberty, and the pursuit of happiness." The Preamble of our Constitution says that the government exists to "establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity." The pledge of allegiance to the flag expresses the conviction that our nation is dedicated to "liberty and justice for all." The First Amendment says that all people have the right to freedom of religion, freedom of speech, freedom of the press, freedom of peaceful assembly and freedom to petition the government for redress of grievances. The Thirteenth Amendment forbids all forms of involuntary servitude--not just slavery. And the Supreme Court, in interpreting these constitutional provisions, has upheld such things as the privacy of marital life, the right of people to live peacefully with other people of a different race and the right of people not to have to pay for the religious training of others' children.

> All of this might sound strange to those Americans who have been taught that the Founding Fathers were conservatives, not liberals . . . Benjamin Franklin, in a letter to Robert Morris, wrote: "All the property that is necessary to a man . . . is his natural right, which none can justly deprive him of. But all property superfluous to such purpose is the property of the public, who by their laws have created it and who may therefore by other laws dispose of it whenever the welfare of the public should demand such dispositions. He that does not like civil society . . . let him retire and live among the savages."
>
> (His) remarks fit well with the prevailing belief, at the time of the American Revolution, that happiness, not wealth, was the important thing to strive for. Josiah Quincy, in his Observations on the Act of Parliament Commonly Called the Boston Port Bill (1774), held that the proper object of civil society is "the greatest happiness of the greatest number." James Wilson, in his Considerations on the Nature and Extent of the Legislative Authority of the British Parliament (1774), asserted that "the happiness of the society is the first law of every government." And John Adams, in his Thoughts of Government (1776) declared that "the happiness of society is the object of government."

Do you agree with Franklin that all property not "necessary to a man" is superfluous and may be disposed of (regulated) by the acts of the legislature? If so, exactly what property is necessary to a person's existence? Do you agree that the proper purpose of government is to insure the "greatest happiness of the greatest number?" If so, what government entity is best suited to determine what will make the greatest number of people happy? The courts? The legislature? Of which level - federal, state, or local?

What if the government's decision conflicts with an individual's deeply held (religious) beliefs about the way society should operate? What if an individual proclaims to the world that a particular governmental action violates his "God-given" rights as a human being, and refuses to comply? Should government intervene? Or should the individual be left alone, free of all governmental interferences?

It seems that one cannot discuss the role of government in today's society without dealing with Conservative/Liberal/Libertarian distinctions, since differences about the proper role of government is today's basic disagreement between the three viewpoints. In the following discussion, the terms conservative, liberal, and libertarian are used to refer to particular bodies of thought about the proper role of government.

The descriptions are not meant to refer to any particular person. You should not consider the labels themselves as of any particular importance.

Consider the following contemporary description of the conservative-liberal disagreement over the role of government (from Schlesinger):

> Contemporary conservatives, unlike Hamilton and Disraeli, dislike government. They believe that government abridges individual scope and freedom; that it destroys self-reliance; that it is arbitrary and obnoxious bureaucracy; that it takes on too much and miscarries through overload; that it stifles enterprise with unnecessary regulation; that the people are fed up with it (hence the popularity of conservatism in the polls); that it is, beyond police functions, a burden and a menace; and that it is essentially uncreative, with no capacity to advance the quality of society . . .
>
> Conservatives disparage government and other instruments of humane purpose because they dream of an automatic stabilizer somewhere over the rainbow that will solve our problems for us. They have appropriated the old faith of classical liberalism in Adam Smith's "invisible hand." They see the private market as infinitely exact, sensitive, efficient and impartial in its resolution of our social and economic perplexities. "The sole function of government," as Herbert Hoover said... "is to bring about a condition of affairs favorable to the beneficial development of private enterprise."
>
> Now, modern liberals believe in the market too. They have no wish to move to a command economy. Even some socialists have come to recognize the immense advantages of the price system. But liberals do not see the contemporary market as the perfect, frictionless, self-equilibriating mechanism imagined by conservatives. In the liberal view, industrial concentration has filled the market with rigidities. So have trade unions and beneficial social legislation. Businessmen themselves dislike competition and spend much of their time trying to escape it. In vital sectors prices are set by administrative decision, not by the law of supply and demand. Realistic analysis of the contemporary market makes liberals far more skeptical of the efficacy of the market in dealing with aggregate problems, like depression and inflation, and far more ready to invoke government in order to redress the market's distortions and compensate for its failures. In the same year that Hoover immobilized the role of government, the Governor

of New York took quite a different view, "I assert," Franklin Roosevelt said, "that modern society acting through its government, owes the definite obligation to prevent the starvation or the dire want of any of its fellow men and women who try to maintain themselves and cannot."

Conservatives see the confrontation between the individual and government as a zero-sum game, in which a gain for one side means a loss for the other. Liberals feel that this may have been the case in Jefferson's rural arcadia, but that in modern society the individual dwells among so many towering centers of power that he often must turn to government in order to protect his personal space against private baronies. History leaves no doubt that this is true. It is the national Government, for example, that has vindicated racial justice against private bigotry. It is the national Government that has protected the Bill of Rights against private vigilantism. It is the national Government that has preserved natural resources against private greed. It is the national Government that has civilized our industry, that has secured the rights of labor organizations, that has assured a steady income for the farmer.

It is evidently not a zero-sum game. The growth of national authority, far from diminishing the individual, has given a majority of Americans more dignity and freedom than they ever had before. The individual liberties destroyed in this century by the increase in national authority have been in the main, the freedom to deny nonwhite Americans their constitutional rights, the freedom to work small children in mills and immigrants in sweatshops, the freedom to pay starvation wages and require barbarous working hours, the freedom to loot and waste our natural resources, the freedom to cheat in advertising and the sale of securities -- all freedoms that, one supposes, a decent country can readily do without.

Does Schlesinger mean to imply that all conservatives and all liberals are as he describes? Or is he merely generalizing? In either case do you agree with Schlesinger's characterization of the liberal/conservative difference? Is the characterization fair? Today's catchwords about government are: get government off our backs, cut taxes, boost revenue and productivity, Federal spending and overregulation are destroying our economy. Is this the conservative viewpoint as expressed by Schlesinger?

The libertarian viewpoint has a definite role in mind for government--virtually none at all. The party would abolish the Environmental Protection Agency, the Occupational Safety and Health Administration (OSHA), the Federal Reserve Board,

and every other government regulatory agency. It would end social security and welfare. It would let the free market make decisions on nuclear power. The Libertarians are against government in all areas of activity, moral and military as well as the economic arena. The party calls for the complete decriminalization of drug use, prostitution, homosexuality, gamblers, and suicide, as well as demand the complete withdrawal of all American military forces abroad. Do you agree with this view of the role (or more precisely -- non-role) of government? Do you think regulatory agencies should be eliminated? Do you think laws on drug abuse and prostitution should be eliminated?

Compare the following two paragraphs (from Harrington and Nelson):

> "The philosophical argument for the classical liberalism of Locke and Kant began with the premise that society is an aggregate of individuals. It defines freedom negatively, that is to say; I am free to do anything that does not interfere with your freedom to do anything that does not interfere with my freedom. Freedom is my right to be independent of the interference of other individuals or the state. Liberalism is conceived as a series of rights possessed by individuals over against the liberal state."

> "We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose. Governments throughout history have regularly operated on the opposite principle. (From the Libertarian Party Platform.)

Do the Libertarian Party's views fit Schlesinger's conservative description, or the essence of the classic liberalism of Locke and Kant, or both? Can it be part of both viewpoints? Classic liberalism was developed basically as a basis for wresting sovereign power away from royalty. Simply, the people had a right to govern themselves, rather than being told what is best for them by a monarch. Is it relevant today?

What then is the basic difference between the liberal, conservative, and libertarian views about the role of government? Remember the labels are not important. It is not significant to our purpose here whether you label yourself as conservative, liberal, or libertarian or how other people are labeled. The terms are used only as a convenient way to refer to bodies of thought about the role of government in society. You should think about which role you think is proper.

As part of formulating your opinion on what the role of government should be, you should consider how you think the ideal society should operate. Do you like the present system of interventionist government? Or would you prefer a government that leaves people to themselves? Consider the consequences of your ideal society. If you would change the present system, what changes would you make?

At present, government intervenes in a great many areas to correct perceived evils, including the economic field. Is this proper? If so, which level of government is best suited to intervene, state, federal, or local? (Remember federalism.) Should we return to a totally unfettered market place, with no government intervention? Or is it true, as Harrington says, "Increasingly, capitalism requires direct political intervention in order to function. There is still ritual observance to the invisible hand of Adam Smith, but only the naive really believe in that theory." Is it true that no serious big businessman in the world wants government out of the economy, but rather wants government in the economy on their side?

The extreme alternative to the large government we have now would be a very small government, or none at all. Even the libertarian viewpoint sees the need for some government, specifically courts and police. The society they envision is a society of individuals who possess the ability to seek redress in the court system from anyone who does them any harm. The courts would decide how to correct the wrong. This may not seem so different than the present system. Indeed today, if someone hits you with their car, you can seek monetary damages in court. (The state, in the name of all citizens, may also seek criminal charges against the driver, if warranted. However, consider the problem of air pollution: how can an individual seek redress if he feels harmed? Who owns the air? Murray Rothbank, a libertarian economist, says (from Nelson):

> "In the case of air pollution we are dealing not so much with private property in the air, as with protecting private property in one's lungs, fields, and orchards. (This is) just as much aggression as committing arson against another's property or injuring him physically. The remedy is simply to enjoin anyone from injecting pollutants into the air, and thereby invading the rights of persons and property. Period . . . The major function of government -- of courts and police -- is to stop aggression."

Almost everything in the Libertarian society would be settled by courts and lawyers. Should this be so? Are judges the best qualified to make these decisions? Consider the pollution question further (from Nelson):

> "Under the current system, which we all profess to despise, Congress and the Environmental Protection Agency impose the standards for maximum permissible levels of pollution on factories, etc. Libertarians say that standards should be abolished and judges should handle pollution instead by issuing injunctions when people's property is damaged by it. But for the judges to do so, they would have to define the pollution standard -- or else how could they tell the polluter: 'This much smoke and no more.' So you would have judges all over the country, with no coordination among them and no particular competence in technical questions doing what the bureaucrats and politicians do now."

Do you agree with this assessment? Who should be addressing pollution and problems like it? Judges and police? Or elected officials in the legislative and executive branches? Which is in the tradition of the Founding Fathers?

Below are a few issues that were in the news during December 1983. Keep in mind your views of the role of government as you read them. Try to answer the following questions for each: Is this problem proper for American government to deal with? What is the evil that is being addressed? Which level of government is best suited to address the problem? (Not necessarily the one that is addressing the problem.) How should the money be raised to address the problem?

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Cities Pursue 'Privatization'

By Eric McMullin
Tribune Staff Writer

Smithfield needs a new sewage treatment plant. Springville wants to expand its hydroelectric power facilities.

Both cities are counting on Sen. Fred Finlinson, R-Murray, to introduce and pass a bill during the 1984 legislative budget session that would remove legal obstacles to "privatization," the buzzword of the '80s denoting private enterprise operating public projects.

Neither city has committed itself to privatization, but city officials confirmed this week that they are considering it as an option to the more costly, but traditional, route of bonding. A new study indicates the private sector could save up to 30 percent by utilizing tax breaks available to it.

Springville Situation

For Springville, failure to remove legal obstacles would force the city to bond as construction must begin in 1984 to meet the city's commitment of providing adequate power to the new Stauffer's Food plant in 1986, said Klane Forsgren, an engineering analyst hired by the city. Smithfield's situation is not as dire, but failure to act in 1984 would increase the chances of bonding or of establishing sewer districts, said City Recorder Betty Hatch.

Sen. Finlinson said Tuesday that he believes the measure will be passed during January's 20-day budget session. The bill was approved for introduction by the joint Energy and Natural Resource Committee in November, but must raise a two-thirds vote in both houses to be introduced. After that, it still must move through both houses during the brief session.

Even so, Sen. Finlinson said he is optimistic. "The Legislature went on record in 1983 as being in support of privatization," he said. In addition, the changes — among them, exempting privatization projects from anti-trust laws — were already approved for solid waste treatment plants during the 1983 general session.

Full-Service Contracts

Other changes include authorizing cities to enter full-service contracts for sewage treatment and ensuring that a private company is not defined as a utility.

Both cities are attracted to the concept because of the potential cost savings. A recent $54,000 study funded by Salt Lake City and the state of Utah shows that cities could save from 8 percent to 30 percent, depending upon the amount of investment required and the rate of return requested by the private company.

Salt Lake City's interest in the study — and $24,000 share of the cost — is in how privatization could be used to fund several future projects in the Northwest Quadrant. Because the city has set money aside for capital improvement and would not have to bond, the study says the city's range would be from a 25 percent savings to a 3 percent loss.

Is CUP the Best Way To Meet Utah's Future Water Needs?

Editor's note: This is the first article in a six-part series on the huge Central Utah Project.

By Jim Woolf
Tribune Environmental Writer

With the rising Great Salt Lake threatening to swallow up part of Interstate 80 and the Jordan River running at 500 percent of normal, it's easy to forget Utah is the second driest state in the nation.

It's easy to forget the drought of 1976-77 when water rationing resulted in yellow lawns in Salt Lake County, and it's easy to forget it could happen again.

It's easy to forget we're facing a water crisis.

Our precarious water situation comes as no surprise to Utah water officials. More than 50 years ago they anticipated demand would eventually exceed the available water supply and started searching for ways to develop "new" water. After culling through a long list of alternatives, they decided on an ambitious plan to capture water flowing into the Colorado River, putting part of it to work in the Uintah Basin and transfering the rest across the Wasatch Range for urban growth and irrigation. They called the plan the Central Utah Project.

A selling point of the CUP was its use of much of Utah's allocation of water from the Colorado River, thus preventing other Western states from "stealing" our Colorado River water.

Had things gone according to plan, the CUP would be built today and our water crisis averted, or at least delayed until growth once again outstripped supplies. However, construction delays, environmental challenges, and financial problems conspired to slow work on the CUP. Today it's only about a fourth complete and the costs have soared from millions of dollars to billions of dollars.

These delays and escalating costs have caused a growing number of Utahns to reconsider whether the CUP is still the best way to meet future water needs. They have questioned whether it might not be cheaper to meet our water needs through a modified CUP in conjunction with other sources, possibly from the Bear River or pumping the groundwater.

Edward W. Clyde, attorney for the Central Utah Water Conservancy District, counters that too many commitments have been made to abandon or make major changes to the project. In a recent letter to Utah Water Research Laboratory, he said:

"I can understand somebody back in 1956 urging that we defer development of the Colorado River and go to some alternative supply, but I have difficulty seeing any merit in the contention that we abandon the project at this time, or that we defer it while we drill our wells and start a new project on the Bear River, etc. Since we will ultimately need the water, why not complete the project

See Page B-3, Column 1

Lower Age

In my opinion the drinking age should be changed to 18 years old. When a person turns 18, his parents usually have no say in what he does.

Some start their own lives away from home and some even start families then, too. So why wait until 21?

Most 18-year-olds are mature enough. But if they still haven't learned to control themselves, I also think that they (the immature ones) shouldn't purchase alcoholic beverages. I think most 18-year-olds can handle themselves.

My point is this: if the drinking age was changed to 18, it may solve a few problems. State government should give it a try. If it doesn't work out they could move it back to 21; they should at least chance it and give it a try.

HEIDI NEUMEIER
Kearns

Morality in Media Supports Cable TV Law

Group Wants to File 'Friend of Court' Brief

By Charles Seldin
Tribune Staff Writer

A national morality group, targeting cable television programming here, has petitioned a federal judge for permission to file a "friend of the court" brief in support of Utah's efforts to regulate pay-TV content. If successful, the faction would impose stricter standards than those pushed by the state.

The organization, Morality in Media Inc., is New York-based and headed by Rev. Morton A. Hill, a clergyman who received national attention 15 years ago when he co-authored the minority report on the Presidential Commission on Obscenity and Pornography.

The amicus curiae brief, submitted by Lloyd C. Eldredge, supports Attorney General David L. Wilkinson's contention that the state has constitutional ground to regulate what it believes to be "indecent" material. Mr. Eldredge, as with the state, cites the Pacifica decision handed down by the U.S. Supreme Court in 1978. There, the court ruled that radio and television can be subjected to an "indecency" standard, rather than obscenity.

However, Morality's brief, while supporting the state, takes issue with Mr. Wilkinson's assessment on one critical area. According to Mr. Eldredge, the attorney general has erroneously ruled that the law is applicable only during the hours of 7 a.m. to midnight.

In so doing, Mr. Eldredge argues, the attorney general erred. "If the Legislature meant this statute to be inapplicable at 12:01 a.m., it would have said so."

Although Mr. Eldredge believes the attorney general to be wrong in that area, he said the statute remains constitutional in that it seeks to prohibit a form of "unprotected speech, to wit, a nuisance rationale." The latter designation, a nuisance, is not protected by the Constitution, he said, arguing that "a nuisance is subject to prohibition and injunction."

Cable television providers, specifically Tele-Communications Inc. and its four subsidiaries, argue that state regulatory efforts infringe upon constitutionally protected areas of free speech. Additionally, Tele-Communications has countered, in a motion for summary judgment, that the law violates equal protection provisions of the Constitution.

Bryan McDougal, attorney for Tele-Communications, believes the Utah Legislature, in its session earlier this year, failed to include other pay-television forms within purview of the law — microwave outlets like Channel One, for instance — and because of that, has discriminated against cable providers.

Enforcement of the law has been stayed pending a decision on its constitutionality by Chief Judge Aldon J. Anderson, U.S. District Court for Utah. Judge Anderson has scheduled arguments for Wednesday on a variety of lesser motions in the case, and is also expected to rule on Morality in Media Inc.'s petition to file its brief.

Mr. McDougal said he will not oppose Morality's brief, and has reached agreement with the state that it, in turn, will not oppose an amicus curiae to be filed by the National Cable Television Association and Home Box Office. Judge Anderson, however, is not bound by that agreement.

Tele-Communications' suit, asking that the law be declared unconstitutional, has been pending for eight months.

Cities Anxious To Try 'Privatization' For Future

CUP Wise Is Continuing

Craig Bott, the Arthur Young Salt Lake analyst who engineered the study, suggested that cities determine the actual savings by accepting bids on an actual project. Then they can decide whether privatization is an attractive option," he said.

The concept looks good on paper, he said, as it would allow city control with the inherent risks of a changing economy being assumed by the private company. "Even if the calculations prove wrong and private companies can't make what they had hoped, it's the private company that takes the loss," he said. Uncertainties, such as quality control, rates and the effects of a default, could be handled through contract provisions, he said.

There are several disadvantages, primary among them the reluctance to try something new, he said. Also, federal legislation will be introduced next year to limit the uses of privatization, although sponsors have indicated their concern is with the more creative uses of the concept, such as selling a city structure to a private company and leasing it.

Companies Have Advantages

Governments routinely contract for numerous services, including garbage collection, ambulance service and landfill management. When the federal tax code was amended in 1981, though, a byproduct of the provisions for accelerated depreciation and tax breaks is that private companies now have advantages not available to the public sector, Mr. Bott said.

This has led to a myriad of innovative uses of the private sector, such as contracting for police or fire protection, allowing companies to remodel city structures and then repurchasing them and even the financing of bridges and irrigation projects.

The study shows that there is extensive interest in the private sector regarding privatization. "Twenty-three proposals were received from firms responding to a national notice regarding privatization opportunities in Utah," it states.

Mr. Bott recommends cities not consider the more innovative approaches — at least until the federal issue is settled.

Another concern is of tax revenue lost to the government. Mr. Bott defended the use of tax breaks, saying, "It's not like this money would otherwise go to the government. If companies don't have public projects to use as a tax shelter, which benefits the public, they would be putting their money in other tax shelters."

on which we have already spent $500 million?"

Debate Difficult

Public debate over the CUP is difficult because the project is so complicated and involves so many people, each with his or her own perspective. Estimates of the total cost of the project are elusive, and predictions about the ultimate cost of water to consumers are little more than guesses due to the large number of unresolved issues. No one is certain when, or if, the project will be completed.

Regardless of how complicated the project has become, residents of the 12 counties served by CUP may soon be required to vote again to assure the federal government they'll repay the additional costs of the water project. The vote could be held within a year.

If a vote is called, Utahns can expect to be bombarded soon by a wealth of conflicting data on one of the state's most controversial and expensive undertakings.

(Tomorrow: How the turn-of-the-century dream of an engineer grew into a $2.55 billion water project.)

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School Equity Solution Worse Than Problem?

The Washington Post

WASHINGTON — You can wish that the issue had never been joined — that the federal government had chosen to let Grove City College go its eccentric-but-harmless way.

Mr. Raspberry

You can wish that the Grove City administration had been less rigid in its opposition to federal intrusion. You can even wish that the small Pennsylvania school had a record of sex or race discrimination. Any of these things might have made the case now before the Supreme Court a good deal easier — morally if not legally.

But none of these things happened, and what we have in Grove City College v. (Secretary of Education Terrel) Bell is an issue that is as pure as it is vexing.

The trigger was the 1976 refusal of Grove City College, a private co-ed school of some 2,200 students, to sign a standard "assurance of compliance" form promising not to discriminate on the basis of sex — a requirement, under Title IX, of colleges receiving federal funds.

There are a couple of interesting things about that. First, there was never any allegation of sex discrimination against Grove City, which has been co-educational since its founding in 1876. Almost exactly half the current students are women. The only violation of Title IX ever alleged was the college's refusal to sign the form.

Second, Grove City was not receiving federal funds. "We consider discrimination of any kind repugnant, from both moral and educational perspective," said Charles MacKenzie, Grove City president, explaining the college's position. But he feels just as strongly about freedom from government intrusion, which is why the college decided it didn't want any federal money, preferring to pay its own way.

MacKenzie's willingness to forgo money in support of principle may have been admirable but, according to every judge who has heard the case so far, not adequate to his purpose: keeping government out of Grove City's business.

The problem is that while Grove City decided not to apply for government money, it has accepted a small number of students who have been awarded Basic Educational Opportunity Grants (BEOGs), money which winds up in the college coffers. Is this enough to bring Grove City under the federal requirements that MacKenzie is trying so hard to avoid?

That is one of the questions the Supreme Court has agreed to answer.

Meanwhile, what started out as a relatively simple matter has taken on a number of complications. One of them is the question of congressional intent. Did Congress intend the Title IX nondiscrimination requirement to apply only to the particular programs that receives federal funds? Or did it intend that a federal grant to the chemistry department would require Title IX compliance on the part of the athletic department as well?

The government favors the narrow view, which would leave Grove City where? With a requirement that it pledge nondiscrimination in the financial-aid office?

Could Grove City solve its problem by refusing to admit students who proposed to pay their tuition with BEOGs grants, Social Security survivor benefits or any other federal money awarded directly to the student? Could the government solve it by refusing to provide student loans or grants to any student bound for Grove City? Would either of these "solutions" really solve anything?

The whole thing would be a lot simpler if Grove City were a sort of higher-ed "seg" academy, practicing bigotry in the name of principle and claiming the right to federal assistance into the bargain. Grove City isn't a haven for bigots, but the fear is that the wrong ruling could provide financial relief for schools that are.

Unfortunately, it's hard to concoct a right ruling. Grove City College v. Bell has this in common with those many-a-scene-in-city-hall controversies: The judicial solution — whatever it turns out to be — is likely to be worse than the problem.

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County Salt Palace Subsidy An Investment, Not Cost

Salt Lake County officials may be having difficulty finding more Salt Palace revenue because they've embraced a mistaken assumption. Put another way, why, should the estimated $2.4 million operating subsidy be considered so onerous?

Of course, faced by a still struggling local economy, the county commission is obliged to cut county government costs wherever possible. But in assuming the Salt Palace subsidy can be one of those economies is not necessarily revealed wisdom. Certainly the alternatives suggested for trimming the $2.4 million figure make little practical sense.

So far, commissioners have lofted the idea of plastering a 50 cent surcharge to every admission ticket sold for Salt Palace events. A dreadful thought. Getting in the spirit of the thing, Salt Palace Manager Douglas Knudsen proposes increasing Salt Palace parking fees or festooning the building's insides with advertising placards. An equally sad proposition.

Mr. Knudsen is at least correct in objecting that higher ticket prices would most likely drive events away from the Salt Palace. He cogently notes 70 percent of all Salt Palace revenues are already paid by those charged admission to the arena. He should also worry about hiking parking charges to a point that they, too, discourage paid attendance.

The Salt Palace may have its aesthetic drawbacks but it is not yet marred by the look of a billboard jungle. The interior walls exhibit pertinent displays and proper decoration. The Acord Arena, scoreboard excluded, is fully devoted to the events within it, rather than being captive to a collection of distracting, incompatible, bush league commercial signs. There's immense value in preserving this unique, appreciated quality.

What too many who should know better continually overlook is that, on balance, Salt Palace operation costs do not constitute a county loss. Literally millions of dollars have been attracted to Salt Lake County, the state of Utah for that matter, since the Salt Palace advent. The amount of local sales, franchise, property and transient room taxes generated for county government alone surely matches, if it doesn't exceed, $2.4 million.

This favorable, preferred trade-off is bound to continue. But only as long as nothing materially disturbs or harms it. So far, proposals for reducing the subsidy indicate a disturbing, harmful effect. If that's the best county officials can do, they ought to drop the subsidy-trimming idea completely, because as a balance sheet calculation, it doesn't compute.

County Sheriff Makes Point, But Not Great Argument

Referrring to his statutory responsibilities, Salt Lake County Sheriff Pete Hayward threatens to sue Salt Lake County's commission if it doesn't fund his department's 1984 budget in the amount he claims is essential. But while he may be genuinely convinced cutbacks would hamper the sheriff department's dutiful job performance, his argument for preventing that is wildly off-center.

Sheriff Hayward told Commissioner M. Tom Shimizu that trimming $550,000 from the sheriff's proposed $9.1 million '84 budget could prevent that department from performing work imposed on it by state law. He was led by such contention to add that a lawsuit could be filed against the commission to counter such fiscal obstruction. Like too many people these days, the sheriff seems to believe the courts have an answer for every difficulty, personal or public.

Possibly forgotten by the sheriff in the excitement of the moment is the fact that the county commission is also a creature of state law, given however, in statute, ultimate power of the purse.

When the Reagan administration prepares a budget for the Department of Defense, does Mr. Reagan threaten to sue Congress if the lawmakers decide to trim a portion of the requested funds? Although medieval sheriffs in England enjoyed a variety of direct revenue-raising sources, their modern American counterparts have no equivalent authority to impose taxes unilaterally. If citing statutory obligations for law enforcement funding prevailed, the amount of assessment against the public could become virtually uncontrollable, considering the volume of crime-fighting claims made by local police agencies.

The reigning state law in Utah decrees it is the county commissions which finalize county government budget totals, determine the resulting tax levies and then make certain taxes are collected. It is highly unlikely the sheriff — or any other county department head, elected or appointed — could successfully realign those responsibilities, whether in lawsuit or by legislative attempt.

Sheriff Hayward, attracting attention to his department's financial woes, may have dramatically fired for effect. In citing a way to actually overrule county commission budget-making procedures, however, he's far from a bulls-eye.

Vote Will Decide If County Can Sell Bonds to Pay Flood Costs

Salt Lake County voters will go to the polls Dec. 13 to vote on a special flood control bond.

The bond would provide funds to pay for damage caused by last spring's floods and improve the present flood control system. Officials also say the bond would speed up planned work and provide protection against future floods.

The bond issue would total $33.5 million, $13 million of which would go toward repairing damage. The remaining $20.5 million would be spent on flood control improvements.

Here are some answers to questions related to the bond issue:

What will a flood control bond issue accomplish?

In the spring of 1983, Salt Lake County was devastated by record flooding. Public roads, streets and storm drains were extensively damaged. The flooding also showed where the weakest parts of the system are and brought some of them very close to failure.

This bond issue will provide funds to pay for that damage and will provide for improvements to the flood control system as outlined in the county's Flood Control Master Plan. Approval of the proposed bond would speed up the planned work and provide immediate protection from future floods. Money will also be saved by doing the work now, yet property taxes will not have to go up as a result. Much of this year's flood damage could have been avoided by completion of the facilities identified in the Master Plan.

Polling Places, Page A-3

Why do we need a special bond election now?

Most of the flood reconstruction work must be completed by April 15, 1984, to minimize damage from next year's spring runoff. Funds must be available to award contracts during December 1983, if this schedule is to be met. If the bond election fails, the county commission must immediately raise 1984 property taxes by approximately 6.5 mills.

How will the flood control bond issue affect my property taxes?

A. If the bond election passes:

No increase in property taxes is contemplated to pay off this bond issue. The bonds can be paid off with the county's exisisting 3.5 mill countywide flood control levy.

B. If the bond election fails:

Property taxes must be increased in 1984 by approximately 6.5 mills for one year to pay for flood damage reconstruction. This means taxes on the average $75,000 home would go up $78 next year. Taxes on homes and businesses with a higher value would go up accordingly.

Who will benefit from the flood control bond issue?

Flooding in Salt Lake County has a wide impact both from direct flood damage to private property and from economic loss related to unemployment, reduced wages, increased travel time and loss of access in addition to flood fighting and recovery costs supported by public taxes. Many neighborhoods that avoided flooding this year were protected by flood control projects paid for by countywide taxes. Thus, all residents and property owners will benefit from the bond issue.

What will the flood control bond issue cost?

The bond issue is for $33,500,000 of which $13,000,000 will be spent on flood reconstruction costs. This will take care of the damage to public property in the spring flooding of 1983. The remaining $20.5 million will be spent on flood control improvements located throughout the county including City Creek, Emigration Creek, Red Butte Creek and Parley's Creek projects, as well as Millcreek, Big Cottonwood Creek and Little Cottonwood Creek projects. There will also be flood drainage projects constructed in the southeast, southwest, and northwest areas of Salt Lake Valley.

How does the flood control bond issue affect the county's mill levy?

Salt Lake County currently levies 3.5 mills for flood control. The county's fiscal advisors estimate a $33.5 million bond issue can be paid off with the existing mill levy. If this bond election passes, the county commissioners intend to leave the flood control levy at its current level.

Will the bond issue help pay for damage to private property?

No, the law requires that proceeds from the sale of the bonds can be used only for projects involving damage to public property and or new improvements.

What about federal and state disaster assistance?

The county is pursuing all available assistance from these sources. County officials estimate that state and federal reimbursement for flood reconstruction will total approximately $7.5 million. The $33.5 million bond issue is needed in addition to this reimbursement.

Safety Group Says Car Air Bags May Save Thousands of Lives

WASHINGTON (UPI) — There may be thousands more needless traffic deaths if automakers are not required to install air bags or automatic seat belts in cars, a consumer safety group told a federal panel Wednesday.

Richard Peet, president of Citizens for Highway Safety, likened refusal to make the devices mandatory to keeping an anti-cancer drug off the market just because it does not cure every cancer.

Peet testified as a five-member National Highway Traffic Safety Administration group concluded hearings on whether to require air bags, which inflate on impact, or safety belts, which automatically close around a person entering a car.

The Reagan administration tried in 1981 to throw out a Carter administration rule requiring the equipment on new cars, but that decision was overturned by the Supreme Court.

The Transportation Department — ordered to go back and look at the question again — is expected to issue a final decision in April.

"Because we delayed this policy decision, we needlessly lost every two days . . . as many Americans as we lost in the Beirut massacre two months ago," said Peet.

Money: Regulation, Taxes and Inflation

The companion issue to the disagreement over the proper role of government is: How do you intend to pay for whatever it is you intend government ot do? It is really not possible to discuss one without simultaneously dealing with the other. Indeed, it seems sometimes as if those who favor a drastically reduced government do so out of a desire to reduce government spending (especially welfare) and to reduce taxes. Whatever level of governmental activity you think is appropriate, you will need to consider either what effect the governmental action will have on prices (and a possible fueling of inflation), or how to raise the money that the government is to spend--through taxes, sale of bonds, user fees, etc.

Let's look at these two ideas for a moment -

Suppose you wish the government (state, local, or federal) to pass a regulation that would prohibit manufacturers from using a particular material suspected of causing cancer. First, should you consider the cost to the manufacturer of switching to another material? What about the stock of old material already purchased? Should this cost be passed on to the ultimate consumer at a higher price? Should you prevent the cost from being passed on? Second, how are you going to enforce the regulation? Can the manufacturers regulate themselves? Or will you need governmental employees to check on the manufacturer? If so, how do you pay for the employees, raise taxes or charge the manufacturer? If you charge the manufacturer, should this cost be passed along to the ultimate consumer? Is cost the only thing to consider?

Remember, regulations are usually imposed (in theory) to correct some perceived evil. Sometimes the benefits of regulation involve moral issues, or are immeasurable. How do you balance immeasurable benefits with measurable costs to consumers to decide if the regulation is worthwhile? Consider the following two articles about government regulation (from Atwater and Green):

> "What is the total cost of all this regulation? Here my businessman's preference for precise figures must yield to estimates, which I acknowledge are soft. Dr. Murray Weidenbaum (former economic advisor to President Reagan) estimated the administrative and compliance costs of regulations at $66 billion in 1976. In 1977, that figure rose to $102.7 billion, and in 1982, according to the Center for the Study of American Business, the cost rose to $130 billion. Even allowing for generous error, the sums of money at issue are enormous. Regulatory costs at the $100 billion level mean a levy equal to

20 percent of the federal budget is being invisibly imposed on society. . .

As many of you know, in recent years the United States has had a very poor rate of growth in productivity. Apart from cutting costs, the only other major tool available for increasing productivity is innovation. Innovation requires a stimulating, supportive atmosphere and the investment of dollars in new systems in research. With those regulatory cost figures fresh in your mind, you may find it interesting to know that the total amount of money spent on research and development in the United States in 1977, including defense and other government research and development, was $42.7 billion. Total capital investment in plants and equipment in 1977 was $135.8 billion . . . (The) amount of research and development spending (within the disappointingly low total) devoted to meeting the requirements of legislators has risen by 19.3 percent compounded annually, from 1974 to 1977." (Atwater)

"What is the price tag for lives saved by avoiding future diseases, since asbestos and other substances in our lives today cause cancer in 30 years? How much does one pay for a six year old not to be disfigured from flammable sleepwear? How do we calculate the exact benefits of being able to see across the Grand Canyon, of avoiding the needless destruction of recreational areas? What is the value of a life saved?

Cost benefit studies do not and cannot measure these kinds of benefits. To believe that business-dominated cost-benefit studies should control government decisions is about as wise as arguing that one party to a law suit should also be the judge.

An analysis by Chase Econometrics, for example, asserts that environmental regulation will account for an average 0.3 to 0.4 points of the annual increase in consumer prices in the 1970-1983 period. Unfortunately, this study is based on gross cost, not net cost. As Senator Gary Hart (D-Colo.), complained of the Chase Study, 'It is irresponsible to discuss costs of pollution control without comparing them to benefits.' Even taking Chase's numbers at face value, a significant 20 percent reduction in regulatory costs would only lower the annual rate of increase in the cost of living by one-tenth of a percentage point. Any reduction in inflation is not to be disparaged, but the contribution of regulation to the problem is relatively modest - probably less than the contribution of price fixing, trade barriers, natural gas deregulation,

the depreciation of the dollar, the latest OPEC price increase or oil decontrol." (Green)

Which argument do you believe? Which set of figures is most accurate? Is regulation that much of a hindrance to "innovation" as Atwater implies? Atwater goes on to say that business needs to clean up its act and start to deal with societal problems, like pollution and the aged. Can we trust business to police itself? Will they voluntarily cut pollution to acceptable levels without outside compulsion? Does Green make a good case for the perceived inherent shortcomings of a cost-benefit approach to the worth of a regulation? How would you value a life? Should we abolish the EPA, all pollution regulations and leave it up to the courts to decide?

Let us look for a moment at a problem facing the elderly who receive Social Security benefits; rising utility bills. Social Security was begun during the Franklin Roosevelt years as a way to help supplement an elderly person's income. The idea is to collect some worker's earnings, crediting the amount to his/her account for his/her retirement years, and pay it out to the current generation of elderly citizens. The money is collected by requiring your employer to withhold a percentage of your gross earnings, and paying it instead to the Social Security System. This is the FICA withholding amount on your pay check. Social Security then sends a monthly check to qualified persons (which are today not exclusively the elderly) for their monthly support. This amount is fixed. What happens then if utility bills (and rent and food costs) go up? Eventually, the payment recipient will not have enough money to pay the bills.

Where can the elderly person get more money to pay higher bills? Savings? Many were counting on Social Security to provide for them in their retirement, and have no savings. Even if they do, is it fair to penalize non-working people, who cannot ask for higher wages, for the effects of inflation? What can government do, if anything? Phase out Social Security, with withholdings to continue for awhile as some type of phase-out tax?

Social Security presently allows for cost of living increases. Should it? Where does this money come from? An increase in the Social Security tax? What about cutting waste in the Social Security Administration first? Lay off Social Security employees? (Who then apply for unemployment benefit funds -- typically state monies.) Change eligibility requirements so that fewer people will use the available Social Security funds? Which is best?

Could the elderly person get the additional funds from charity?

This might eventually result in a private non-profit foundatiion taking over the work of the Social Security Administration, or state welfare agencies. Would this be better? Would it solve the problem of price increases? Some utilities (Utah Power and Light and Mountain Fuel) have started a program whereby consumers can add an additional amount to their bill each month to help pay the bills of those who cannot. Is this the way to go?

From a different viewpoint, why not solve the problem by not allowing prices to go up? Why doesn't the government impose a system of wage-price controls? This was tried during the Nixon years, but apparently produced insignificant progress toward reducing inflation - the steady creep upward in prices. The problems with wage/price controls are: which prices should be controlled? What if producers don't produce until they can get a better price? What about increases in items beyond the control of the government, like OPEC price hikes?

But more particularly to the problem of the elderly person, why not eliminate utility price hikes, or at least minimize them? Utilities are "regulated industries." This is because they are monopolies -- there is only one Utah Power and Light Company providing electric service, and only one Mountain Fuel providing natural gas.Because they are monopolies, there is no natural competition to keep prices to a minimum. Consequently, utilities are regulated. The rates they charge for service are set by the Utah Public Service Commission (PSC) and the utilities must apply to the PSC for a rate increase. Why not deny all requests? This would keep the utility portion of the elderly person's monthly expenses down, and reduce the strain on the Social Security System.

What effect would this have on the utility company? Is it fair to make them absorb any increase in price necessitated by increases in raw material or labor prices? How long could they stay in business? Remember, the utilities are corporations (publically owned) who were granted a franchise by the state to provide service to the public. Should the government take over the ownership and operation of the utility? If they did, would this solve the problem of price increases?

However, is it fair to allow the utility company to pass along to the consumer, through rate increase requests approved by the PSC, all increases in cost of raw materials, equipment, or labor? If all labor costs are passed directly along, will the management of the utility really bargain with the union for the best labor contract possible? Should the purchase price of a piece of equipment be passed directly to the consumer as an "operating expense" (and thus allow a direct tax deduction as well), or should the company be forced by the PSC to allot

the cost to "capital expenditures" and thereby require the stockholders to bear the cost? Or is a mixture best? The PSC allows the utilities a "reasonable profit" each year. This is so the company can attract stockholders who will invest money in the company (used for business expenses of the company) with the expectation that they will make more money in return -- the "rate of return." The rate of return on investment is set by the PSC. In fairness to the elderly (and all consumers of essential power and gas) couldn't the rate of return be made less to absorb the increase in cost? In other words, charge the stockholders instead of the consumers? Or will this have the effect of driving away investors, since they know they won't be making as much on their investments?

Each utility proposes a rate of return to the PSC, as part of rate requests, who will then approve, disapprove or modify the request. The figures used to propose rates of return are changeable, depending on how you list the assets of the utility. Should the PSC be granted the power to look directly at the accounting books of the corporation to make a fair decision?

The above problem is typical of the complex inter-relationship between business, government programs, regulation, and costs. Is governmental regulation appropriate? Should the monopolies be allowed? Or broken apart, as with AT & T this year? Which government, state, local, or federal, is best to regulate, if that is necessary? What is the real problem that needs to be addressed?

Many people believe the real evil is economic uncertainty, resulting in inflation or recession. Inflation is a steady rise in the price of goods and services (usually expressed as a percentage rate) caused by a complex inter-relationship of effects between supply, demand and the prices themselves. Individuals, businesses, and government constitute a growing demand on goods and services. Production must also grow to meet this demand. Anything that distorts this natural growth may lead to inflation or recession. As an example, consider a manufacturing business. The plant will have a rate of production which constitutes the most efficient use of resources and results in the minimum possible price on goods. For instance, it is more efficient to have a steel mill working 24 hours a day, rather than firing up the hearth every morning at 9:00 a.m. This is natural for the business, and the business will attempt to operate at this point. (Beyond this rate of production, it costs more and more to produce each unit of output.) Suppose this delicate balance of conditions keeping prices to a minimum is upset by an increase in the price of raw materials. Will the company have to increase the price of its goods? Should it?

As prices go up, so do costs. Workers will demand a higher wage to compensate for their loss of purchasing power caused by the rise of prices. This increase in labor costs may cause yet another rise in the price of goods and services. A potentially never-ending spiral of price hikes, cost hikes, and further price hikes begins.

As further fuel in inflation, an inflationary mind set can take hold of investors and consumers, causing further distortions in the market. As people see their purchasing power decreasing, they may buy more of an item than they need to beat price increases. This causes shortages of the item, and may cause prices to rise again. Others will try to make purchases with borrowed money, in anticipation of repaying the loan in dollars worth less than today. (Inflation has the effect of making dollars worth less and less as their ability to purchase declines.) This borrowing may cause distortions in the supply of money necessary to keep businesses operating. The lenders may raise interest rates as the competition for loan money increases. (If interest rates become too high, people will not purchase anything. Producers will have to cut back since sales are down, and a recession may result.) As the dollar's purchasing power decreases, tangible items tend to become worth more, because people see them as more stable in value. Thus, people will tend to purchase jewels, gold, coins, art objects and the like to forstall the loss of value of the dollar. (Of course, lots of people suddenly buying gold will cause the price of gold to rise -- basic supply and demand. What happens when the dollar becomes worth more?)

Workers will often ask for a cost-of-living increase to keep up with the effects of inflation. Is this enough? Workers might still end up behind because of "tax-bracket creep" and other tax effects. As a wage earner's earnings increase to keep up with inflation, he moves into higher tax brackets, that are taxed at a steeper rate. The worker actually makes less because more of his earnings are required to pay his taxes. Additionally, as the prices of goods go up, so will the sales tax burden on those items. What can be done about these effects?

This is a very simple look at inflation, with only some of the causes and effects listed. The most important question is: how do we stop inflation, without causing recession? There are three main strategies: wage and price controls, monetary policy, and fiscal policy. Wage and price controls were mentioned above. Monetary and fiscal policy controls strive to control inflation by reducing the demand on goods and services. As mentioned before, too much of a reduction in demand may cause a recession, as plants may have to lay off workers to cut costs. (Obviously a company can't continue to pay out more

than it takes in (through sales) for very long, or it goes bankrupt.) These workers may then be eligible for unemployment benefits, which may in turn place a large strain on the monetary resources of the state. The state's income will also be reduced due to reduced revenues from sales tax and income tax.

Monetary policy attempts to control inflation by controlling the amount of money in circulation. At first glance, this idea may seem peculiar. How can the amount of money change? Typically, money circulates through the economy. We are used to working for money. We then use that money to purchase the goods we need. In turn, the store uses money to pay its employees and to buy more goods. We pay some money to government, which uses it to purchase goods, provide services, etc. However, some banks -- commercial banks -- can create money (in the form of checks and credits - not print currency) when they lend. This is "new" money available for use to buy goods and services. Too much money creation can cause inflation, while too little can cause recession. It is the Federal Reserve Board that controls the bank's ability to lend out this new money. Therefore, the Federal Reserve Board attempts to control inflation (and its opposite - recession) by controlling the amount of money in circulation. See the accompanying article about the money supply jumping $1.6 billion in early December.

It must be remembered that money has no inherent value of its own today. We live in an era of "fiat money." Paper currency and check book credits are money because Congress said so, and because of public acceptance. Fiat money does not represent a claim on anything tangible, such as gold, silver, clams or seashells. Fiat money is acceptable to us all because we know that money's true value is its purchasing power, its ability to buy goods and services, not its value with respect to any particular metal, which may also fluctuate in value. This was not always so. Until the Great Depression, U. S. currency was backed by gold and silver. The U. S. government had to keep a supply of gold on hand (as did banks) to redeem paper currency for gold if a citizen so desired. Does this seem better to you? Should paper money be "backed" by gold or silver, and fiat money abolished? What if new supplies of gold were discovered? What if some were stolen? What if the gold supply could not grow fast enough to enable banks to lend new money to businesses? There were several "boom and bust" cycles in the economies of industrial nations due to these problems. Businesses simply could not get the money they needed to grow, and recessions followed. It was precisely to make the money supply more "flexible" (make it easier to obtain) that gold backing was dropped and a separate federal agency, the Federal Reserve Board, given control over the money supply. Do you agree? Is fiat money any better?

Some people believe that Congress has no power to make fiat money. They base this on Article I, Section 8 of the Constitution, which gives Congress the authority to coin money and regulate the value thereof, and Article I, Section 10, wich restricts the states from making anything but gold or silver legal tender for debts. They argue that the power to coin and the power to make legal tender are two separate powers, based on early 1800's U. S. Supreme Court decisions. Therefore, Congress may make anything it wants the "coin" of the country, like paper currency. But they cannot change the legal tender (backing), since they do not have that authority. Since the states cannot make anything but gold or silver legal tender, paper money must be backed by gold or silver. Do you agree? Is fiat money unconstitutional? Who decides questions of constitutionality? Suppose fiat money is constitutional, can the hard money adherents (as they are called) simply refuse to accept fiat money, and only offer to pay for goods and services in gold or silver? Does the "tradition of the founding fathers" have anything to do with any of this?

The third way to control inflation is through fiscal policy. This involves governmental spending and taxation policies. The basic planning device of fiscal policy is the budget. In the budget there are two main components; revenue and spending. Revenue is the money collected by the government, spending is the money the government pays out. If you spend more than you collect you will have a deficit. Deficits can be a problem because the government must borrow money to cover the deficits, which tends to use up the money available for loans. This may in turn drive up interest rates and help precipitate a recession. In addition, the government may have to increase revenue (raise taxes) to cover the interest charged on the borrowed money. (This continual pay back of borrowed money is called the debt service.)

The legislature must pass and the governor approve both components of the budget. Thus, fiscal policy is very much subject to the political process. The political process is, of course, subject to the influence of beliefs about the proper role of government. Very simply, if you believe government should intervene directly in a problem, you must find a way to raise the money to pay for it. If you are unwilling to raise the money directly through taxes or other fees, and still wish to spend, then you must consider deficit spending. If you do not wish to raise money from the people, and do not wish to spend the money on a particular problem, then you must consider whether leaving the problem alone is better for society, which may well be the case.

Examine the pie graph of the proposed 1984 Utah State budget found below. Where does the money come from? What goods or services are taxed? There is a proposal to levy a tax on soda

pop. Do you agree with this? How else can government raise the money it needs? Which is better? What can happen if you tax too much? Read these articles and see what you think, keeping in mind your view on the proper role government should have in society.

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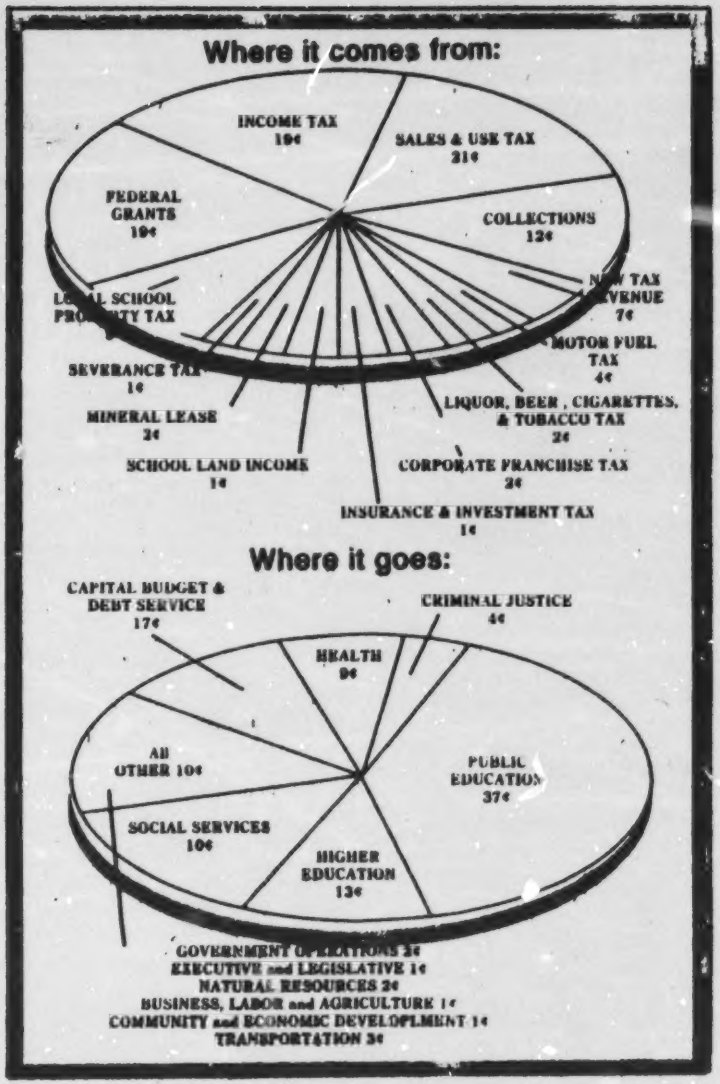

Chart shows the direction of the $168 million in state tax increases, proposed in "shock portion" of next year's budget.

Spreading the Burden Evenly

Don't Overtax, Utah Businesses Warn

By Robert Woody
Tribune Business Editor

No question. Utah needs a trained educated work force and a strong business sector.

But:

"If we neglect the legitimate needs of education, business and industry will suffer from a decline in the availability of trained workers.

"If, on the other hand, spending for education requires that taxes on businesses become overly burdensome, jobs will not be available to accommodate those people entering the work force."

A group of business organizations summed up the dilemma in a consensus paper for legislative consideration in January.

The document was prepared by the Utah Council of Small Business with the Utah Taxpayers Association, Utah Manufacturers Association, Utah Mining Association, Utah Home Furnishing Association, Utah Council of Retailers & Wholesalers, Utah Auto Dealers Association, Utah Petroleum Association, Utah Retail Grocers Association, National Federation of Independent Businesses, Associated General Contractors and Salt Lake Area Chamber of Commerce.

It concludes that additional taxes on business aren't the answer. Utah's economy, it says, already is "at risk."

"Once a haven for business and industry, Utah is now viewed more and more as a state which is unattractive to business," it says.

Utah's business climate, in ranking by a national research organization, fell to 20th in 1982 from fourth most favorable among the 48 contiguous states in 1979.

The 1,042 business bankruptcies in 1982 were ten times the 1978 figure.

Utah state and local tax collections, compared to personal income, are 12th highest in the nation. Utah sales taxes are eighth highest. Individual income taxes are ninth highest. Utah property tax ranks 26th. State and local taxes now take 11 percent of personal income.

And as the legislature faces pressures to increase taxes and spending by $300 million — including $150 million for education alone — for flooding costs, state employee salary increases and for added prison funding, "they will be tempted to shift a greater share of the tax burden to business.

"To do so would be a costly mistake and may further damage Utah's fragile economy," the group said.

They labeled expectations for signficant revenues from severance taxes, soda pop taxes and other miscellaneous taxes "unrealistic."

Gas and oil severance taxes, which provided $17 million in fiscal 1983, would contribute little more in terms of need even if severances were increased. Further, that would deter drilling in Utah, the highest cost drilling state of any except Alaska, it said.

With the copper and steel markets in bad shape, it would be unwise to increase the Utah mine occupation tax, which provided $2.3 million in fiscal 1983, down from $4.3 million in 1982.

The rationale used to justify a soda pop tax could also be used on such as milk, bread and shoes, it said.

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Money Supply Jumps $1.6 Billion, Reserves Scarce

NEW YORK (AP) — The nation's basic money supply jumped $1.6 billion in the latest reporting week, and bank reserves remained scarce in late November, the Federal Reserve Board said in separate reports.

Economists said the reports dampened hopes for declines soon in interest rates. But the financial analysts remained sharply divided on whether the figures signaled that the Fed has adopted a policy that would lead to higher interest rates.

"Both numbers were somewhat disappointing," said Robert Schwartz, senior financial economist at Merrill Lynch, Pierce, Fenner & Smith Inc., a New York investment firm. He predicted traders would bid interest rates higher next week but added, "there is no compelling reason for the Fed to tighten now."

Interest rates, which rose sharply early Friday following a Labor Department report that the civilian unemployment rate fell to a two-year low, nudged even higher after Friday's release of the figures.

More Restrictive Policy

David Jones, economist at Aubrey G. Lanston & Co., said the figures confirmed the Fed has moved to a more restrictive policy in recent weeks.

With retailers reporting a surge in sales and unemployment falling faster than expected, the Fed is concerned "the economy is ending 1983 with a bang," Jones said. "The Fed would prefer the economy to slow to a more moderate but sustainable pace consistent with lower inflation."

Jones said he believes the Fed prefers to cool off the economy now rather than administer "a severe dose of restraint" later.

Since the Fed does not comment on its current policy, analysts watch weekly reports on money supply growth and the availability of bank reserves in an attempt to gauge central bank moves.

The Fed said M1, a measure of funds readily available for spending, rose $1.6 billion in the seven-day period ended Nov. 23. The jump was about three times as much as analysts had been expecting.

What M1 Means

M1 includes cash in circulation, checking-type deposits at banking institutions and non-bank travelers checks.

The Fed tries to provide enough funds to keep the economy growing without rekindling higher rates of inflation.

It said M1 rose to a seasonally adjusted $519.2 billion in the week ended Nov. 23 from a revised $517.7 billion the previous week. The previous week's figure originally was reported as $517.8 billion.

For the latest 13 weeks, M1 averaged $517.4 billion, a 2.6 percent seasonally adjusted annual rate of gain from the previous 13 weeks.

The Fed has said it would like to see M1 grow between 5 percent and 9 percent from the second quarter of 1983 through the rest of this year.

Borrowed Reserves

Meanwhile, the Fed said net borrowed reserves totaled $174 million in the last week of November, down from a revised $491 million a week earlier. The previous week's figure originally was reported as $280 million.

Net borrowed reserves provide an indication of the availability of funds to the banking system.

The Fed requires banks to hold a certain amount of funds in reserve to back deposits. When bank borrowing to meet those requirements exceeds the surplus funds at banks that have already met reserve requirements, the difference is known as net borrowed reserves.

Jones said net borrowed reserves have averaged about $280 million for the past four weeks compared with an average of nearly zero four weeks earlier. When the Fed is accommodating lower interest rates, net borrowed reserves shrink.

Long Holiday Weekends

Other analysts said that two long holiday weekends in November were among technical factors that made it difficult to manage the flow of reserves in the banking system.

Allen Sinai, chief economist at the New York investment firm of Lehman Brothers Kuhn Loeb Inc., said that for now, "the Fed itself has no reason to tighten, no need to ease."

Other indicators for the week ended Nov. 23, included:

— Commercial and industrial loans on the books of the nation's large banks edged up $3 million, compared with a decline of $948 million the previous week.

— The Federal Reserve Bank of New York reported commercial and industrial loans at major New York City banks fell $512 million, compared with a decline of $16 million a week before and a fall of $433 million in a similar week a year ago.

Director of Liquor Board Backs Soda Pop Tax

The director of the Utah Liquor Control Commission said Tuesday he favors a state soda pop tax and suggests that it, rather than liquor taxes, support the school lunch program.

Kenneth F. Wynn, commission director, said liquor officials may finally become vocal in their opposition to further liquor price hikes if legislators begin to consider such a [illegible]

Asked how he views a tax on soda pop, director Wynn said, "I love it . . . I've been suggesting it for a couple of years."

And were such a tax passed, lawmakers should then earmark the soda pop tax to support school lunches and shift lunch tax collections, now part of the liquor markup, over to pay for alcohol rehabilitation and education programs, he said.

Taxing liquor to buy school lunches just "doesn't fit," Mr. Wynn said. Now the talk about a soda pop tax presents an opportunity to correct that mistake, he said.

The Legislature has tapped imbibers of beer and spirits for additional taxes several times in the last four years, Mr. Wynn said. And liquor officials feel no more tax in-

He said if lawmakers begin to [illegible] still another liquor tax increase, "I feel I would have to recommend that liquor commissioners no longer sit around and keep their mouths shut."

Liquor officials said Utah's liquor prices are now so high that increasing numbers of Utahns are choosing to make "supply runs" to neighboring states, saving money despite the

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Government Costs: They Just Happen

New York Daily News

WASHINGTON — It was a small thing, only an ounce or so of precision workmanship, and it shone with the soft color of platinum. As I hefted it in my hand, it occurred to me that, at $780, it was the most precious thing I had ever held, more precious even than gold.

It was a screwdriver, made for the U.S. Navy by General Electric. It had a knurled handle, a slender shaft of four or five inches, and a recessed head. It is used for adjusting gyroscopes.

Adm. Andrew Giordano, commander of the Naval Supply System command headquarters, watched me heft the screwdriver. In his hands was a thin piece of white plastic with five or six holes. It carried a warning of high voltage, and looked like the back panel of a portable radio. Essentially, that is what it was. Except it was for the Navy's shipboard radios — a shield to prevent people from sticking their fingers inside and getting a shock — and therefore, it, too, cost $780. Giordano smiled sadly.

The screwdriver and the radio panel were just two of the 2.1 million individual kinds of spare parts the Navy consumes and for which it pays insane prices.

Lying on the floor was a box of black pressed fiberboard with a cushion at one end, like the eyepiece for the fluoroscope they used to have in shoestores when you were a kid, so you and Mom could see your toes inside the new shoes. The cardboard box cost $1,800 — from Grumman, the builder of the A-6 attack plane. It is the hood used by the bombardier so that he can see his fluorescent screen better.

Navy Secretary John Lehman and Giordano produced these and other items at a "show and tell" in the Pentagon Tuesday, to demonstrate the Reagan administration's crackdown on waste in its $250 billion defense budget. Lehman is the man who wants a 600-ship Navy so the United States can fulfill its military commitments from the Tasman Sea to the North Cape of Norway, simultaneously.

He wants three more aircraft carriers, and will get them. He has already gotten two World War II battleships out of mothballs. The desire to have all these ships prowling the high seas is one of Lehman's incentives to cut out waste: The more he is forced to spend on screwdrivers and plastic shields, the less he can spend on ships.

Therefore, the Navy is abandoning some of its previous procurement techniques and, in some cases, changing suppliers. The $780 screwdrivers will henceforth cost $45 — still high, but they are a limited production item. The bombardier's cardboard hood will come in at $60, and a five-pound chunk of rubber, the molded nose of a torpedo, will cost the taxpayer $7.50 instead of the current $381. A Westinghouse clamp, like the clamp that holds the oil filter on your car, will drop from $67.20 to $1.80.

Even with the Navy's reforms, 75 percent of the spare parts it uses will not be subject to competitive bidding. The Navy will be at the mercy of its suppliers. awakening to ripoffs only when one of its hard-pressed supply officers notices, as an Air Force sergeant did this year, that part NSN-5340-01-040-512, costing $1,118, was a white plastic cap for a footstool in an AWACS plane — a piece of plastic worth maybe 25 cents.

Lehman is reluctant to accuse the suppliers of fraud. What he blames is "clericalization," a bureaucracy so vast and so remote from reality that nobody knows what things really cost and what they should cost. Thus you get, to cite a couple of actual cases, a hammer that cost $435 and a 4 cent electronic diode for $110.

About 700 fraud cases are referred to the Justice Department every year, but only about one-third are prosecuted. And most of those prosecuted are small suppliers, not the major contractors. In none of the cases Lehman cited Tuesday was there any evidence of criminal intent, he said.

Rather, it is just the way things work — contractors pass on their costs to the government and the costs snowball. "Nobody at the top intends these things to happen," Lehman said.

(Copyright)

Tax Break

Under the present Utah constitution increased taxes in 1984 of $150 million for the state will create enormous hardships whether the burden falls on property improvements, retail sales, incomes or mining severence, all of which taxes are penalities on production. But, if the Legislature will give voters in November, 1984, the opportunity to amend the constitution, the future need not look so dismal.

In Oregon an amendment is proposed for new tax revenue that will enhance rather than retard production. The following item is reported in the October issue of "Incentive Taxation:"

"Professor Richard Lindholm of the University of Oregon is spearheading a movement to have a new amendment to the Oregon state constitution passed which would impose a statewide land tax at 2 percent of value for the support of elementary education. Exemptions are authorized for the first $2,000 value of homestead land and for the first $4,000 value of farmland and certain land used for resorts."

If Utah would enact a state property tax on land values only, exclusive of farmland, $150 million could be raised with a levy of about 2 percent on the market value of taxable land in the state which is in the neighborhood of $7.5 billion.

The necessary amendment to the constitution should also give counties the option of a two-level property tax so that cities, counties and school districts can diminish their property taxes on improvements and replace the revenue with higher land value taxes as they desire.

EARL A. HANSON
Utahns for Tax Reform
Cedar City

Tax Rebels Multiply—And Collectors Act

With defiance of the IRS increasingly a way of life for people of many stripes, Uncle Sam is taking new steps to stem the revenue drain.

Ken Bush of St. Louis burns a 1040 form, a ritual he began in 1980 to dramatize his antitax stand.

Americans in mounting numbers—from rifle-toting members of the Posse Comitatus to quiet pacifists—are openly refusing to pay their taxes.

In the last five years, the number of tax protesters known to the Internal Revenue Service has leaped by 600 percent. Not only that, but tax resisters are growing steadily louder, more brazen and, in some troubling cases, increasingly violent.

Government officials are alarmed, even though their count of those who have called attention to themselves as protesters totals only about 54,000 out of some 140 million taxpayers. The fear is that spreading tax resistance could signal a breakdown in the traditional willingness of Americans to pay their taxes and pose a threat to the nation's entire revenue structure.

Nobody knows how much money is being lost. The number of persons who do not file returns or underpay their taxes is suspected to run into the millions, and officials are not sure how many are simply evaders or are part of the tax-protest movement. Yet the operator of just one tax-resistance scheme has been accused in court of costing the Treasury tens or even hundreds of millions of dollars a year.

Unlike tax dodgers of the past, who hoped the IRS wouldn't notice them, many of today's tax rebels are openly defiant—holding news conferences, appearing on radio and TV talk shows and advertising in newspapers. Some of them even pass out step-by-step guides for would-be resisters.

Selecting targets. The IRS is fighting back with a battery of new laws and a strategy of singling out for criminal prosecution the promoters of the most blatant schemes. Tough judges are handing down stiff sentences—in one case $100,000 in fines and court costs and 16 years in prison.

Yet government officials admit that they do not have a solution to the problem of rising violence among tax resisters—ranging from throwing garbage into the yard of a tax agent to murder—and that has them worried.

The most dangerous appear to be adherents of a loosely knit, nationwide organization known as the Posse Comitatus. Three of its avowed members are accused of being involved in recent shootouts in which two U.S. marshals and a county sheriff were killed. Other tax protesters consider the Posse—with its virulent racism and anti-Semitism—more a hate group than a tax-resistance organization.

"They're a bunch of nuts, and they're definitely damaging this movement," complains A. J. Lowery, publisher of the *Justice Times*, a monthly antitax newspaper based in Clinton, Ark.

Tax protests of one sort or another are cropping up throughout the United States. "They're everywhere, especially in the Midwest," says Indiana Atty. Gen. Linley Pearson. Some examples:

- In St. Louis, Ken Bush likes to stand outside the Federal Reserve Bank and burn a federal income-tax return. "I stopped filing in the late 1970s," says Bush, a 29-year-old writer, photographer and handyman.
- At a service station near Indianapolis, a sign beside the cash register announces that sales taxes will not be collected because "the currency of the United States is not redeemable in gold or silver coin." The state says the proprietor, Barry Seagrave, 28, owes it $68,000 in sales taxes. When summoned to an Indiana Department of Revenue hearing, he came with a .357-caliber magnum pistol strapped to his ankle. "I'm not a radical," Seagrave insists. "I want this to be a peaceful fight."
- The Golden Mean Society, based in Mesa, Ariz., offers its members—for $15 a month above the regular $20 monthly dues—an attorney to represent tax protesters who are criminally charged. "Out of about 130 cases, we've won over 65, and that's a much better percentage than any other organization," claims Charles Riely, the society's founder. Still, Riely concedes that many of his followers have lost in court. "A lot of innocent people are in jail," he says.

Many tax resisters insist that their

Opposing military outlays, some Quakers divert a portion of taxes to charities.

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motive is love of country. Names of their groups abound with such words as *patriot, heritage, freedom* and *constitution.* While the IRS lumps them all together as "illegal tax protesters," some object almost as much to their bedfellows as they do to taxes.

"Protesters are left-wing screwballs," asserts Daniel Pilla, 55, of St. Paul, Minn. He has been battling the IRS since 1969, when he was charged with failing to pay income tax and Social Security taxes for employes of a printing plant he owned. He lost his argument—and his business. The government sold Pilla's plant to pay off his tax debt and sent him to prison for seven months.

He still has not changed his mind, however, declaring: "This is supposed to be the land of the free and the home of the brave. But it's the land of the serfs and the home of the slaves."

Pilla's argument for not paying taxes is one of the most popular: The "no dollar" defense. "No dollar" proponents contend that today's money is not legal tender because it is not backed by gold or silver. Since it is not money, the argument goes, it is not income and need not be declared.

Other objectors contend that filling out income-tax forms amounts to being forced to testify against oneself in violation of the Fifth Amendment to the Constitution. Judges have repeatedly rejected this argument.

Behind the cloth. Another favorite shield used by tax resisters is the constitutional guarantee of freedom of religion. Authorities say that, while sometimes sincere, these stands often are veils covering outright tax evasion. One scheme, particularly popular among some high-bracket airline pilots, is to establish a tax-exempt church, take a vow of poverty, name oneself bishop and give one's assets and income to the church. The bishop receives no income, but the church pays all the bills.

"The problem is that it often works," says one law-enforcement official. "The government is so afraid of violating their First Amendment rights that it lets them get away with an obvious scam. If I decided to worship a veal cutlet, that's my business—but if I use it as a tax write-off, that's illegal and ought to be stopped."

Even prosecutors disagree on the sincerity of many tax protesters. Asserts William Coulson of the U.S. Attorney's office in Chicago: "You hear the same arguments over and over: 'Income tax is voluntary'; 'money has no value'; 'we're exempt on religious grounds', 'it's a violation of the Fifth Amendment.' Well, I don't believe that any of these people truly believe, in their heart of hearts, that they don't have to pay income tax."

Yet Thor Anderson of the U.S. Attorney's office in Minneapolis holds that those who dismiss tax rebels as "kooks" miss the point. Many, he says, are sincere but misguided.

"It's an expression of frustration for people who feel government is getting away from them," he explains. "A lot of Catholics are frustrated because they feel their tax money is going to finance abortions. Some just don't want to part with their money; they want to beat the system. Others are associated with what most of us would consider a crackpot philosophy. But some are obsessed, and they've ruined their lives with that obsession."

A quite different kind of tax resistance is fostered by established church groups, especially the traditionally pacifist churches such as the Religious Society of Friends (Quakers), the Mennonites and the Church of the Brethren.

Some members of these churches do not dispute the government's right to collect taxes, but they contend they have the same right as a conscientious objector to the draft to be assured that their money will not be used for arms. For more than a decade, they have been pushing for a law that would channel funds from those who object to arms into a peace fund.

Many of these people file accurate tax returns but then withhold 40 or 50 percent—the amount of their taxes they estimate might go for military purposes. Some give the money directly to charities. In April, some 125 Philadelphians associated with the Friends Peace Committee visited three charities serving the poor to give them $2,100 in withheld taxes and donations.

Other resisters worried about military spending put their tax money into escrow accounts in case they eventually are forced to pay their taxes. Larry Bassett of the Conscience and Military Tax Campaign in Bellport, N.Y., says his group has more than a quarter of a million dollars put aside. He explains that interest on the money goes to charity, but depositors can withdraw their money if they need it to pay taxes.

No income, no tax. Some pacifists avoid taxes by holding their income to a bare subsistence level. Bill Strong of the Friends Peace Committee in Philadelphia says he has avoided paying federal income taxes in three of the last four years by this means. He says that he supports himself and his wife and is sending a child to college on barely over $10,000 a year.

A New York State woman who asked that her name not be used told of the dilemma she faces. As a pacifist, she cannot support spending for the military, but as a lawyer she cannot break the tax laws. Her solution last year: Hold her income to $3,747 so that she paid only $178 in federal income taxes.

Usually when tax protesters come to the attention of the government, the IRS patiently tries to collect the money. Officials send out a series of letters and meet with the protesters over a period of months before resorting to such drastic measures as attaching wages or a bank account or even seizing a home or automobile.

It is typically only the most blatant tax resisters, whose actions are seen as

This year, Internal Revenue officials see signs that the number of protesters may level off.

USNEWS—Basic data: Internal Revenue Service

edging over into fraud and outright tax evasion, who end up in court or in prison. Those who withhold their taxes as a protest against the arms race are hardly ever tried or jailed.

But when a clear case of fraud or tax evasion can be made, the government gets tough. Last year, 93 tax protesters were sent to prison for an average of 18 months and were hit with fines of more than half a million dollars. While the number prosecuted has remained about the same, the fines and length of prison terms have increased sharply in the last five years.

Four recent cases illustrate the crackdown:

- In 1981, William Drexler, founder and archbishop of the Life Science Church, which was begun in San Diego and then moved to Lone Grove, Okla., was convicted on 26 counts of tax violations. Testimony showed he sold church packets for $1,000 to $4,000 and that he and his son, who was also convicted, made more than $365,000 in two years. Those who bought the packets and set up their own churches were audited by the IRS and told they could not use a phony church to evade taxes. Drexler was sentenced in January of 1982 to five years in prison, five years' probation and a $50,000 fine.

- Punishment was even more severe for Jerome Daly, "pope" of the Basic Bible Church and a longtime peddler of schemes to beat the tax collector. He and seven pilots for Braniff International Airways were convicted in March of tax violations. Daly drew 16 years in prison, a $95,000 fine and $5,000 in court costs. The pilots got sentences of two to four years in prison.

- In January, Barbara Hutchinson, who ran the San Diego-based Estate Guardian Educational Trust, was sentenced to five years in prison for mail and wire fraud. She is free while her case is being appealed.

- In June, 1982, Armen Condo, who operated the Your Heritage Protective Association in Huntington Beach, Calif., was sentenced to eight years in prison and a $92,500 fine after conviction on 41 counts of mail and tax fraud. Assistant U.S. Attorney John Spiegel said of Condo, who claimed 14,000 followers: "No doubt, the loss to the public treasury from Condo's activities is tens of millions each year and quite possibly in the hundreds of millions." Condo is free pending appeal.

New penalties have increased the cost even for those in no danger of criminal prosecution. One of the most effective has been a $500 fine for filing a false Form W-4, on which a taxpayer lists his or her dependents. Many protesters list large numbers of dependents to keep the government from withholding taxes. So far this year, 46,000 persons have been slapped with this penalty, bringing in 23 million dollars in revenue.

Form tampering. A $500 penalty also can be assessed for filing a "frivolous" return. This is aimed at protesters who rewrite the Form 1040 to match their bizarre reading of the tax laws. Some of them add a new line to the form and take a hefty deduction for "nontaxable receipts" or a "factor-discount expense." During the first eight months of the current fiscal year, 1,500 persons have paid this penalty.

Perhaps because of such crackdowns, the number of Americans identifying themselves as protesters to the IRS shows signs of leveling off after a spectacular rise in the last five years. "I have been dealing with this problem for a long time, and this is the first time I've had some degree of optimism," reports Richard Wassenaar, IRS head of criminal investigations.

No one in or out of Washington, though, doubts that tax protesters of one sort or another will remain a painful thorn in the government's side as long as taxes are levied. □

By ORR KELLY with MICHAEL BOSC in Chicago

AP PHOTOS

Posse's "counterinsurgency director" Wickstrom. At right: Gordon Kahl, slain in gun battle with sheriff.

The Posse Comitatus: What Is It?

The Posse Comitatus is one of the nation's most extreme antitax groups—and something more.

Based on a blend of 19th-century political theory and an idiosyncratic interpretation of the Bible, the Posse condemns Jews, blacks and most government officials, especially tax collectors. Its Latin name means "power of the county," and its members refuse to recognize or pay taxes to state and federal governments. What most worries law-enforcement officers is that it preaches—and some members practice—violence.

Attention has focused on the previously obscure Posse ever since two U.S. marshals were killed in a February 13 shootout near Medina, N.D., with Gordon Kahl, 63, a farmer and member of the group. In early June, Kahl and a sheriff died in a gun battle in rural Arkansas. Kahl's son Yorie and an associate have been sentenced to life in prison in the marshal killings.

James Wickstrom, the movement's spokesman and self-styled national director of counterinsurgency, has established what he calls Constitution Township of Tigerton Dells, Wis. A similar Township of Good Faith has been set up near Walla Walla, Wash., and enclaves have been reported in other states. Wickstrom, a former tool salesman, is free on bail pending appeal of an 18-month jail term for impersonating a public official.

Bulging arsenals. Signs near the Wisconsin camp make the Posse's feelings clear: "Federal Agents Keep Out. Survivors Will Be Prosecuted." Members practice guerrilla warfare in the retreat, and officials suspect their armories include rocket-propelled grenades and mortars.

How strong is the Posse? Wickstrom claims 2 million followers. Some law-enforcement officials put the total at less than 10,000.

Whatever its size, the fiercely antigovernment attitude of the Posse Comitatus guarantees that it will be watched by local, state and federal officials from now on.

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JUVENILE CRIME

Historically, juveniles had few civil rights. They could not manage their own property, could be beaten, maimed, or sold by their parents, and could be married off to anyone their parents chose. Rights of children were little different from those of a family dog. However, in criminal matters children were treated the same as adults - - held in the same jails, beaten with the same lashes, and executed on the same scaffolds.

More humane treatment surfaced in the United States in the 1830's. Childhood was seen as a special time of life, a time of innocence, and children needed to be protected both from outside influences and from their own inability to make mature decisions. This concern led to the development of juvenile courts and juvenile corrections systems designed to counsel, nurture, and rehabilitate juvenile offenders. Today's juvenile courts are civil courts, not criminal courts, and juveniles appearing there cannot be convicted of a crime. For instance, a juvenile murderer would not be found guilty of the crime of murder, but would be adjudged delinquent by virtue of having committed murder. As the chart below shows, on a nationwide basis the adult system and the juvenile system are different from beginning to end. In your opinion, are these differences justified?

In the adult system:	In the juvenile system:
A person can be legally arrested if he or she is suspected of committing a crime.	A juvenile can be legally detained if he or she is suspected of committing a crime or a delinquent act.
The state files formal criminal charges in the form of an indictment or information.	The state files a petition with the juvenile court.

[1] From Reference 1.

A person may be released on bail on his or her own recognizance or may be held in jail until trial.	A juvenile may be released into custody of his or her parents; may be held in custody until an official hearing (time limit set by statute); or may be placed on probation without an official hearing.
Decisions are made by judges and/or juries.	Decisions are made by hearing officers, commissioners or juvenile judges.
A trial determines whether or not an accused person is, beyond reasonable doubt, guilty of a specific crime.	An adjudicatory hearing determines the truth or falsity of the petition beyond a reasonable doubt. A dispositional hearing determines if the juvenile is in need of state supervision or care.
A convicted person may be placed on probation, fined, and/or sentenced to a specified length of confinement in a jail or prison.	Juveniles judged in need of care are made wards of the court. They may be placed on probation, removed from their family and placed in a group or individual foster home, fined and/or committed to an unspecified length of confinement in a reform school, state institution or camp.
Proceedings and records are public.	Proceedings and records are kept private.

Consider the following discussion about the delinquency from Criminal Justice in America:

> Legal professionals do not agree about the basis of juvenile delinquency. The three most common definitions are:
>
> a. A delinquent is a juvenile who commits a delinquent act, whether or not that act is ever discovered.
>
> b. A delinquent is a juvenile who is detained by police for allegedly committing a delinquent act.
>
> c. A delinquent is a juvenile who is judged delinquent in a juvenile court.

Why do you think there are so many definitions of delinquent? Are the distinctions of any real significance? How would you define a delinquent?

Adult criminal law is based primarily upon prohibitions. An adult cannot steal, drive a car without insurance, possess marijuana, etc. Should the juvenile law reflect this basis? What types of acts should be the basis for delinquency? Consider the following from Criminal Justice in America:

> Specific acts and behaviors are often classified as delinquent for two reasons. Such actions either a) would be termed criminal if committed by an adult, or b) are thought harmful to young people because they might be dangerous or lead to criminal behavior. (The latter are often called "status" offenses because they can only apply to those who have the status of juveniles.) California's law, for example, describes a wayward young person as one who "persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardians, custodians, or school authorities, or who is beyond the control of such persons, who is usually truant...or who...is in danger of leading an idle, dissolute, lewd or immoral life." In other states, these behaviors may be considered delinquent.

Notice that there are two types of delinquent acts. First, all the adult prohibitions, and second, acts that may lead juveniles to commit criminal acts or be dangerous. Does this second type make sense? Adults can do dangerous things -- drive a car, smoke cigarettes -- why not juveniles? Is this consistent with the idea behind the juvenile system; protecting juveniles from their own inability to make mature decisions?

What do you think of the California definition? How can you show that someone "is in danger of leading an idle, dissolute,

lewd, or immoral life"? Could the court consider differences between the juvenile's lifestyle and their parent's lifestyle as proof of this "danger"?

Punishments for juvenile offenders are also vastly different from those given adult offenders. Most commonly, juvenile offenders remain in their own homes or in other relatively open settings, where stress is placed upon attending school, working, and becoming productive, law-abiding citizens. Secure confinement is rarely used, and then typically only for relatively short periods. However, is this punishment meaningful for the juvenile offender who represents a clear and present danger to persons or property? The court's limitations, and the limitations of the entire juvenile system, are most apparent with respect to the juveniles who are chronic, serious, or violent offenders for whom control and supervision beyond the juvenile's 21st birthday appears to be necessary. There is not now a secure correctional facility for juveniles in Utah, although two 30-bed units are under construction. Nevertheless, even after those facilities are finished, persons placed there go free at age 21, if not before. Should the juvenile court be able to place someone in a juvenile facility until 21, then transfer that person to an adult facility? Should the same apply to adult court sentencing of a juvenile (after certification - see below)? At the present time, adult courts cannot sentence offenders to juvenile facilities, if they wish to confine the juvenile beyond age 21, forcing placement of certified juvenile offenders in the State Prison. Is this proper?

Many people object to the concept of juvenile courts, particularly when criminal activity is involved, saying that juvenile courts "coddle" criminals. These concerns have led to increasingly liberal certification statutes. These statutes allow some juvenile offenders to be treated and prosecuted as an adult.

Such offenders are removed from the jurisdiction of the juvenile court, and prosecuted under the same laws as adults. Thus a juvenile accused of murder might, if convicted, receive the death penalty, though the death penalty is unlikely for a juvenile by virtue of the terms of the adult law. Additionally, some states have lowered the maximum age for juvenile court jurisdiction, to as low as 15. Utah has followed both trends, dropping the maximum age for juvenile court jurisdiction from 21 to 18, and changing the certification statute to make it easier to prosecute juveniles in adult courts. Consider the following article about certification from Practical Law in Utah:

> In certain cases, the court may have a special hearing to decide if a juvenile should be transferred to the adult criminal system. A candidate for certification must be 14 years of age or older, and the act or acts in question must be such that would amount to a felony if they were committed by an adult. If, after a hearing, the judge decides to waive the juvenile court's jurisdiction over the juvenile and transfer the juvenile court's jurisdiction to the district court, the juvenile will be tried as an adult and can face incarceration at the Utah State Prison.
>
> At the certification hearing the juvenile is entitled to be represented by an attorney, and the court must consider the following facts:
>
> 1. The seriousness of the offense and whether the protection of the community requires isolation of the child beyond that afforded in juvenile facilities;
> 2. Whether the offense was committed in an aggressive, violent premeditated or willful manner;
> 3. Whether the offense was against persons or property;

4. The maturity of the juvenile as determined by consideration of his home, environment, emotional attitude and pattern of living;
5. The record and previous history of the juvenile;
6. The likelihood of rehabilitation of the juvenile by use of juvenile facilities;
7. Whether the state has a meritorious case;
8. Whether the juvenile allegedly acted together with adults who would be charged in district court.

If the juvenile court judge finds that any of the above factors are present, the judge may certify the juvenile to stand trial as an adult. In 1981, the Utah Legislature amended the certification statute to provide that once a juvenile has been certified and the charges have been filed in an adult court, the juvenile is also certified for any subsequent misdemeanors or felonies. Additionally, the 1982 Legislature created a separate certification provision for juveniles 16 years of age or older. If such a juvenile is accused of criminal homicide, attempted criminal homicide, aggravated robbery, forcible sodomy, aggravated arson, aggravated sexual assault, aggravated burglary or aggravated kidnapping, and a criminal information is filed or a grand jury indictment is returned against the juvenile, the juvenile is not afforded the right to a certification hearing and shall be charged in every respect as if the juvenile were an adult.

Upon conviction and sentencing in the district court, the district court judge may sentence the juvenile to adult penalties or to juvenile court penalties, or to a combination of both. If the juvenile is acquitted on the certified charge, the juvenile court regains jurisdiction over the juvenile.

An order of certification may be appealed to the Utah Supreme Court before the juvenile enters the adult system. The Supreme Court must review the proceedings and determine if certification is proper before the juvenile can be tried as an adult.

The 1981 amendments also provide that the juvenile court may file objections to direct assumption of jurisdiction by the adult court over an older juvenile accused of one of the crimes noted previously. The objection must be filed with the adult court within ten days of the filing of the information or return of the indictment. The juvenile court then regains jurisdiction and may proceed with a regular hearing or with a certification hearing, as appropriate.

The result of certification can be severe, incarceration at the State Prison. Are the standards expressed above (which are statutory) definite enough? Is certification the proper answer to chronic or violent juvenile offenders? Should a third classification of "young adult offender," with appropriate penalties, be created to allow separate treatment of those aged 16-23, or would this be just another level of government to botch things up?

Juvenile courts have not only lost some of their earlier responsibility for older or more serious offenders; they have also lost responsibility for early intervention with truants, runaways, and some other classes of status offenders. (A status offense is something that is illegal for a juvenile but not for an adult: the juvenile is an offender because of his or her status as a juvenile. Smoking, possession of alcohol, and truancy are all examples of status offenses.) Nevertheless, the courts are not running out of business. The number of criminal offenses referred to the juvenile court in 1981 rose by 6.3% over the

preceding year, an increase of 28% since 1975. Particular concern has been raised by the large number of serious offenses involving juveniles. Consider the chart of types of reported offenses found after this issue statement (chart prepared by Michele Myers, Administrative Assistant of the Utah Juvenile Court). How do you think these figures affect the way the adult population will think about and treat you? What can you do about this?

It has been estimated that juveniles are responsible for more than half of the felonies committed each year in the United States. Do you agree? Criminal behavior appears to commence shortly after youngsters enter junior high school. Is there something in the school experience in junior high and high school that causes crime? Some people say that juvenile crime is just a part of growing up, and courts should therefore not take it too seriously. Should a 17 year old burglar be treated differently than an 18 year old burglar? Can one really explain juvenile crime as "just a phase kids go through," and more or less ignore it since they'll grow out of it sooner or later anyway? Does the juvenile court approach lead indirectly to a higher crime rate for juveniles who believe that nothing much will happen to them even if they do get caught?

One reason juvenile courts sometimes appear overly lenient is that the judges are very overburdened (the nine judges will deal with almost 40,000 referrals this year), and have very few resources available to them for placement of juvenile offenders. What resources are available in your community? Are more needed? If yes, what types?

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Delinquency Case Flow Guide

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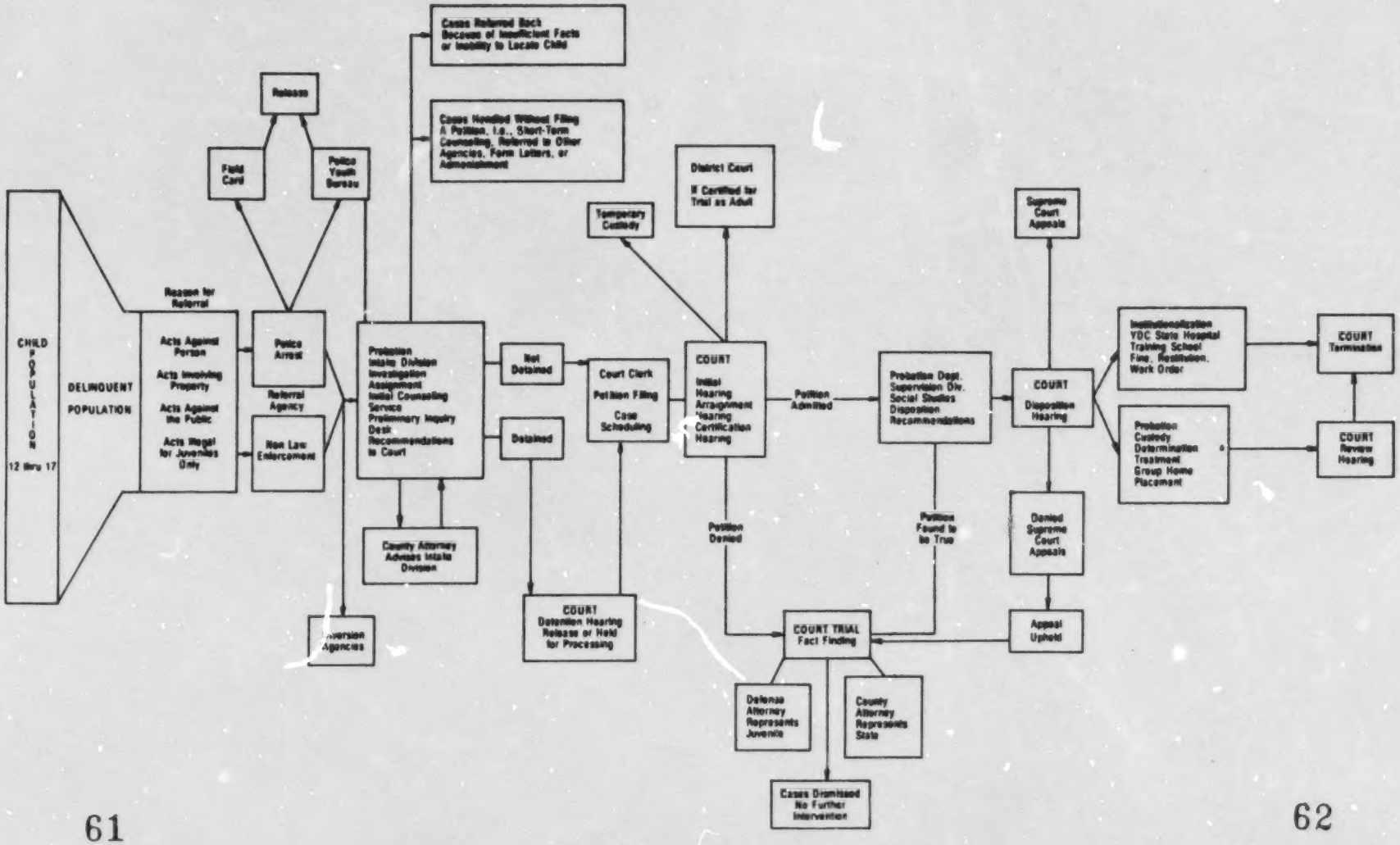
CHILD POPULATION
12 thru 17
DELINQUENT POPULATION
Reason for Referral
Acts Against Person
Acts Involving Property
Acts Against the Public
Acts Illegal for Juveniles Only
Release
Field Card
Police Youth Bureau
Police Arrest
Referral Agency
Non Law Enforcement
Cases Referred Back Because of Insufficient Facts or Inability to Locate Child
Cases Handled Without Filing A Petition, i.e., Short-Term Counseling, Referred to Other Agencies, Form Letters, or Admonishment
Probation Intake Division Investigation Assignment Initial Counseling Service Preliminary Inquiry Desk Recommendations to Court
County Attorney Advises Intake Division
Diversion Agencies
Not Detained
Detained
COURT Detention Hearing Release or Held for Processing
Temporary Custody
Court Clerk Petition Filing Case Scheduling
District Court If Certified for Trial as Adult
COURT Initial Hearing Arraignment Hearing Certification Hearing
Petition Denied
Petition Admitted
Petition Found to be True
COURT TRIAL Fact Finding
Defense Attorney Represents Juvenile
County Attorney Represents State
Cases Dismissed No Further Intervention
Probation Dept. Supervision Div. Social Studies Disposition Recommendations
Supreme Court Appeals
COURT Disposition Hearing
Denied Supreme Court Appeals
Appeal Upheld
Institutionalization YDC State Hospital Training School Fine, Restitution, Work Order
Probation Custody Determination Treatment Group Home Placement
COURT Termination
COURT Review Hearing

Most Frequent Offenses Reported To Juvenile Court In 1981

1.	Shoplifting	3,760
2.	Theft	3,317
3.	Possession of Alcohol	3,268
4.	Burglary	2,745
5.	Destruction of Property	2,071
6.	Possession of Tobacco	2,051
7.	Possession of Marijuana	1,189
8.	Assault	1,032
9.	Contempt of Court	1,025
10.	Curfew Violation	967

School Related:	District	1	2	3	4	5	Total
School Violations		13	106	2	6	0	127
Habitual Truancy		154	226	94	99	73	686
							813

Alcohol Problems:	District	1	2	3	4	5	Total
Possession/Use of Alcohol		736	1,145	730	225	206	3,042
Public Intoxication		102	218	38	3	21	382
							3,424

Drug Problems:	District	1	2	3	4	5	Total
Possession of Marijuana		251	689	177	44	41	1,202
Possession of Drugs		75	66	36	11	2	190
Sale of Drugs/Pot		40	21	18	6	3	88
							1,480

Reported Offenses for 1981

Acts Against Persons
4% of All Reported Offenses

	First District	Second District	Third District	Fourth District	Fifth District	State Totals
Assaults	288	546	73	31	34	1,032
Robbery	38	114	4	8	2	163
Forcible Sex	39	45	10	2	5	102
Homicides	4	2	-	-	1	7
Kidnapping	1	3	-	-	-	4
Subtotal	370	710	87	41	42	1,250

Acts Against Property
50% of All Reported Offenses

	First District	Second District	Third District	Fourth District	Fifth District	State Totals
Burglary	691	1,464	346	121	123	2,745
Shoplifting	1,005	2,008	586	72	89	3,760
Theft	953	1,513	454	214	183	3,317
Car Theft/Joyriding	148	359	137	20	33	697
Arson/Firesetting	34	40	22	25	4	125
Receiving Stolen Property	150	168	53	25	24	420
Destruction of Property	529	1,254	146	72	70	2,071
Trespass	257	407	98	26	39	827
Cruelty to Animals	3	5	3	1	2	14
Forgery	163	77	121	7	5	373
Credit Card Violation	11	25	2	-	-	38
Other	26	42	24	4	19	115
Subtotal	3,970	7,362	1,992	587	591	14,502

Reported Offenses for 1981 (Continued)

Acts Against Public Order
20% of All Reported Offenses

	First District	Second District	Third District	Fourth District	Fifth District	State Totals
Possession of Marijuana	261	705	145	38	40	1,189
Possession of Drugs	16	33	14	3	4	70
Sales of Drugs/Pot	8	27	18	3	2	58
Contempt of Court	470	304	119	70	62	1,025
Prostitution	1	6	-	-	-	7
Disorderly Conduct	148	184	34	7	23	396
Public Intoxication	94	216	42	3	15	370
Fish/Game Violations	213	269	141	113	54	790
Escape	33	93	14	4	1	145
False I.D.	78	180	31	2	3	294
Fireworks	1	13	23	1	2	40
Indecent Acts	26	59	26	3	6	120
School Violations	8	140	2	4	-	154
Resisting Arrest	5	50	1	-	-	56
Weapons Violation	45	164	21	10	8	248
Criminal Attempt	56	109	23	3	2	193
Other	173	264	75	21	19	552
Subtotal	1,636	2,816	729	285	241	5,707

Acts Illegal For Juveniles (Status Offenses)
26% of All Reported Offenses

	First District	Second District	Third District	Fourth District	Fifth District	State Totals
Possession/Use of Alcohol	821	1,379	656	186	226	3,268
Possession/Use of Tobacco	425	1,124	334	79	89	2,051
Minor In Tavern	6	31	1	-	-	38
Habitual Truancy	153	346	90	101	22	712
Curfew	213	531	196	8	19	967
Ungovernable Runaway	44	36	66	5	4	155
Nonresident Runaway	48	95	66	53	14	276
Ungovernable	111	48	56	13	4	232
Attempted Suicide	1	3	-	1	-	5
Other Endangering Conditions	1	58	1	-	-	60
Subtotal	1,823	3,651	1,466	446	378	7,764

	First District	Second District	Third District	Fourth District	Fifth District
District Totals	7,799	14,539	4,274	1,359	1,252
State Total: 29,223					

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EXAMPLE - CERTIFICATION OF JUVENILE OFFENDERS

No More Kid Gloves for Young Hoodlums

Prosecutors, judges and the public have had enough. A sterner brand of justice is taking shape for youngsters bent on perpetrating mayhem.

Teen-agers who commit crimes of violence are facing a new get-tough attitude in America's courts.

Legislatures in a growing number of states are authorizing harsher punishment for juveniles convicted of serious offenses. Many judges, too, are dishing out longer sentences on their own.

"In the past, a child would get the benefit of the doubt," says one East Coast prosecutor. "Today, he's more likely to be jailed."

The crackdown on juveniles who engage in violence is being spurred by the dramatic growth in the crime rate in recent years. Public outrage is being aroused even more by the seemingly wanton brutality that increasingly marks juvenile crime these days. Among recent examples—

- Three New York City youths, ages 16 to 18, face murder charges in the January 16 deaths of two subway workers whose ticket booth was firebombed. The attack allegedly came in retaliation for an incident in which one of the youths was caught jumping a turnstile.
- A 16-year-old San Diego girl, who said she wanted to "liven up the day," opened fire on an elementary school with a .22-caliber rifle on January 29, killing the principal and custodian and wounding nine students.
- A 15-year-old Maryland boy faces murder charges in the deaths of two policemen last year. The youth allegedly shot the officers with a police revolver during a scuffle that broke out while he was in custody on suspicion of rifling self-service-laundry coin boxes.
- Two Cleveland teen-agers, 14 and 17, were arrested February 19 on suspicion that they paid a man $60 to kill their father. After their father's February 9 death, they allegedly hid his body, cashed his last paycheck and used his credit cards to go on a 10-day spending spree.

Surge of arrests. Arrests of juveniles for violent crimes have shot up 283 percent since 1960, more than twice the increase among adults.

Until recently, juvenile offenders almost everywhere were treated much more gingerly than adults. Normally, they are tried in special juvenile courts where, no matter how serious the crime, the stiffest sentence given usually is a few years in a juvenile detention center. It is growing public disillusionment with this approach that is prodding judges and other officials into action.

In New York, the Legislature last summer passed what may be the toughest juvenile crime law in the country. Under it, juveniles age 13 and up charged with murder, and youths 14 and older charged with other serious crimes, must be sent to adult courts.

Judges then may either turn them over to juvenile courts or try them as adults and impose regular jail terms on them if convicted.

The first youth tried and convicted under the new law—a 15-year-old Bronx boy—faces a possible sentence of 10 years in prison for an armed robbery last September in which two persons were wounded. If the boy had been tried as a juvenile, the maximum confinement would have been three years.

While a number of other state legislatures—including the one in Maryland—are being urged to pass tougher juvenile-crime laws, many judges are not biding their time. A Baltimore judge on January 23 sentenced two boys, ages 14 and 15, to life in prison plus 10 years for kidnapping, stoning and drowning a 7-year-old.

Another Maryland judge has been stirring controversy since last summer by sending dozens of teen-agers, including some as young as 11, to adult jails for as long as 30 days as an "educational experience."

Many backers of a crackdown on juvenile crime also favor new steps to insure that when young people are brought into court, they are given the same rights as adults—a guarantee now lacking in most juvenile courts.

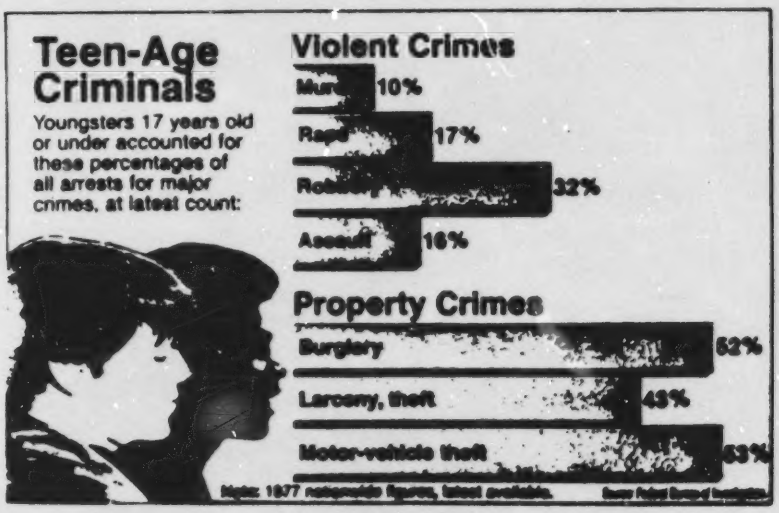
A broad coalition of public and private groups, including the American Bar Association, is urging that the juvenile-justice system be revamped to make it both more effective and fairer.

At their mid-February meeting in Atlanta, ABA members endorsed proposals stemming from an eight-year study sponsored by the lawyers' group. Among the recommendations—

- Each child convicted of a crime be given a fixed sentence, not the indefinite term now permitted in many states.
- All juvenile-court proceedings be open to the public, with the accused having the right to trial by a six-member jury.
- Clear criteria be established for determining when a minor is to be tried as an adult.

The ABA balked, however, at ending the power of juvenile-court judges over youths charged with such noncriminal behavior as truancy or "incorrigibility"—many of whom judges now send to the same detention facilities as law-breaking juveniles.

The ABA's recommendations are expected to be examined closely by the state legislatures. Lawmakers will find support for an idea that is spreading fast: that the paternalistic approach to juvenile offenders, which has dominated the courts for decades, needs to be discarded in society's self-defense. □



FAMILY VIOLENCE

Family violence is a major social problem in Utah, the United States, and the world. Family violence includes intentional acts done in anger or recklessness which reasonably may result in physical or emotional harm to another family member. Such acts range from slapping and other forms of assault to verbal threats, isolation, sexual abuse, and deprivation of food or other basic needs.

What should be done about this problem? Traditionally, the things people do in their own homes have been considered private; beyond the reach of government intervention, but this has changed in the last decade. Is family violence a problem for government to resolve?

Many cases seem clear cut. Betty Tatham, Executive Director of the YWCA of Salt Lake City and Chairperson of the Utah Domestic Violence council, states:

> The types of injuries that have brought abused wives to our shelters have included gun and knife wounds, broken bones, contusions, lacerations, internal injuries . . . one woman had her jaw broken three times and will have to consume all food with a straw for the rest of her life, while another woman lost an eye when her husband beat her about the head with the high heel of her shoe. A woman whose husband pounded her head into the faucet handles on the bathtub had an aneurysm requiring five hours of brain surgery . . . (a woman was) locked in the closet all day, (another) starved, (another saw her) children abused. One husband who abused his wife also used to shake their six-week old baby until her head bounced around like a ball . . .

Are these the cases where, as Time put it: "when the violence is so ugly and utterly inexcusable, you just throw the book at the sick bastards?"

Some cases of family violence are not so clear cut. Consider the following (from Time):

> "What to do about a man who rapes his wife? What about fights between spouses that are not pat, villain-and-victim episodes? What about Darrel Trueblood of Terre Haute, Indiana, whose son Travis was taken from him for three months in 1980 because the father had punished him with a thwack of a ruler? Greg Dixon, a Baptist minister and head of Indiana Moral Majority, says Trueblood was "just giving a normal whipping." Says he, "Reasonable people can detect whether it's assault and battery or not."

Do you think this type of family violence is appropriate for government intervention? If so, what type of standards and guidelines should be set to determine when direct public intervention should occur, and what type of intervention is appropriate?

Family violence doesn't just affect the violent family; victims and perpetrators of family violence frequently require special help from schools, health care services, social services, police, courts, prisons and jails. Child abuse, a particularly vicious form of family violence since its victims are so helpless, is the leading cause of death of pre-school children, killing more children each year than all sicknesses and illnesses combined -- some 100,000 children each year in the United States alone die because of the abuse and neglect of their caretaker. Additionally, the financial cost to society of child abuse can be very high. Dr. Donald Kline of the Utah

Association of Neglected Children stated in 1982: "Abused and neglected children are ten times more likely to be placed in special education classes and institutions than non-abused children and that cost can be as much as 3.4 times greater than the cost of education in the regular classrooms . . . if a child is severely multiple handicapped and institutionalized as a result of abuse, the cost is about $22,900 per year or $1,034,775 if a 45 year life span is assumed . . ."

Family violence is taught in the home. Most child abusers - - about 90 % - - were victims of child abuse when they were children. According to Time, this may cause abusive situations to increase geometrically -- if a woman has four children and abuses them, there is a potential for four abusive families. The only way to stop this geometric growth is through outside intervention. Such intervention doesn't necessarily mean removal of the child from the family. Some intervention techniques are so successful, that no more than 5-10% of the reported cases of abused children result in removal.

One thing everyone agrees upon; a child cannot be helped unless the situation is reported. Reported cases, on a national basis, are estimated to constitute only between 10% to 25% of the actual number of cases. Seventy-five to ninety per cent go unreported. Criticism has been leveled at doctors, teachers, and police for failure to notice and report cases they see, especially when the stories given by parents to the doctors are inconsistent with the injury present. Utah has a new, tougher reporting statute which requires "(A)ny person including but not limited to, persons licensed under the medical pratice act, . . . (who) has reason to believe that a child has been subjected to incest, molestation, sexual exploitation or sexual abuse, has been physically abused or neglected or observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse or

neglect, they shall immediately notify the nearest peace officer . . . or office of (Division of Family Services)." Failure to do so is a class B misdemeanor. Notice the statute requires a report if a private person, official, or institution notices 1) evidence of past abuse or 2) present conditions which would reasonably result in abuse. Also notice the statute requires a report for sexual exploitation, as well as sexual abuse. This presumably would cover situations where the child is used as a model for pornographic pictures. Do you think the statutes provisions are strict enough? Do you understand when you are required to report a case of child abuse, and to whom you should report the situation? (See list of agencies at end of this issue statement.)

Spouse abuse is another form of family violence, and result in death or injury, and personal tragedy for millions of people each year. Spouse abuse includes both husband and wife abuse, physical and psychological abuse, and torture. Interactions of spouses caught up in abusive situations are complex and difficult to understand. Abusers and victims often share many of the same feelings and beliefs -- the belief that one spouse has the right to "discipline" the other; feelings of shame and guilt; feelings of hopelessness; the belief that outside forces are powerless to interfere or help; and feelings of low self-esteem. Violence, once seen, does occur again and again, despite repeated promises and resolutions, not only among the poor and uneducated, but in homes in all neighborhoods, occupied by people of all religions and levels of church activity, by people of all income and education levels. The only way to stop it is through outside intervention.

Police officers called out to mediate family disputes sometimes face the problem of an abused spouse or child who suddenly takes the side of the abuser. Officers are sometimes injured or killed in such situations. Why send them at all? If a

family member doesn't like what's going on, can't he or she simply leave? Men who are abused (approximately 5% of spouse abuse cases) usually have employment and can leave more easily than abused women. The most common reasons given by women who remain in abusive situations are: 1) lack of confidence and self-esteem; 2) economic reasons and fear of the unknown; 3) minimal or no job skills; 4) staying "for the children's sake" and not realizing how harmful it is for children to live in a violent home; 5) emotional attachment to the husband; and 6) hope that the violence will stop and "things will get better."

If you believe government should get involved, at what level? For which ages or family members? What types of services? For how long? Who should pay the bills for services? What about pursuing criminal prosecution or mandatory therapy if neither the abuser nor the victim is willing to cooperate, press charges, or testify?

What are proper limits for disciplining children? For corporal punishment? Should spouses ever hit one another? What about psychological, emotional, and verbal abuse?

As previously noted, both spouse and child abuse are usually learned behaviors, with children growing up to act towards their spouses and children in the same ways that the abusers observed while growing up. Four out of five people in prison tell us that they were abused or neglected as children. How could that knowledge help you in selecting a spouse?

A list of some of the agencies and organizations which help to resolve family problems, follows. Are more services needed in your community? Place yourself in the position first of an abuser, and then a victim of family violence. Where could

you go for help? Would you? If not, why not, and what could be done so that you would? Last, but more important, what can you do now to begin to solve the problem of family violence in your present and future home, your neighborhood, and your community?

References:

1. Prepared Statement of Betty Tatham, Executive director of the YWCA of Salt Lake City and Chairperson of the Utah Domestic Violence Council - for the U. S. House of Representatives Select Committee on Children, Youth, and Families - Fourth Regional Hearing held in Salt Lake City, Utah - December 6, 1983.
2. Time Magazine, September 5, 1983, "Private Violence," p. 18.
3. Statute - Reporting Child Abuse or Neglect
   Utah Code, Chapter 36, Title 78
   (U.C.A., Section 78, 36-1 et. seq.)
4. Statute - Spouse Abuse Act
   Utah Code, Chapter 6, Title 30
   (U.C.A., Section 30-6-1 et. seq.)
5. Statement by Dr. Donald Kline - from reference 1 above.

Agencies Offering Aid

Women in Jeopardy Program - Refuge for Battered Women and their Children
Salt Lake City YWCA - 322 East 300 South, SLC - 355-2804
To arrange shelter call day or night (7 days a week).

Reporting Child Abuse or seeking Family Counseling or Family Services
Contact the Field Services Office of the State Department of Social Services in your community or 150 West North Temple, SLC - 533-7305.

Child Abuse Crisis Centers
Family Support Center - 2020 Lake Street, SLC - 487-7718
Family Support Center - 622 23rd Street, Ogden - 393-3113
You're in Charge, Inc., 1820 Laird Ave, SLC - 582-1898 or 582-2398
Family Support Center - 75 West Center, Midvale - 255-6881

Rape Crisis Center
776 West 200 North, SLC - 532-7273

Women's Crisis Center - Refuge for battered women and rape victims
Ogden YWCA - 505 27th Street
(Covers North Davis, Morgan, Cache, Box Elder, and Weber Counties. Crisis Numbers in Ogden are - 392-7273 and 394-9456)

Eastern Utah Families in Crisis Project - Refuge for battered women and their children
(Covers Grand, Emery, and Carbon Counties, call - 637-6850 in Price).
(Covers Uintah, Daggett, and Duchesne Counties, call - 789-5850 in Vernal)

Carbon County - Shelter in Price, Refuge for battered women and their children
Office Number - 637-6850
Crisis Number (through county sheriff's office) - 637-1612
or Mental Health Hotline - 637-2358.

Emery County - Division of Family Services
Call - 748-2387
Crisis Number (county sheriff's office) - 748-2404.

Grand County - Division of Family Services
Call - 259-6128
Crisis Number (county sheriff's office) - 259-5331.

San Juan County - Department of Social Services in Blanding
Call - 678-3211 on weekdays or 678-2036, ext. 21 on holidays and weekends.
Crisis Number (local law enforcement agency) - 678-2916.
Crisis Number in Monticello (local law enforcement agency) - 587-2237.

Uintah Basin Area. Division of Family Services office in Duchesne County.
Call - 789-5850.
Crisis Number (Sheriff's Department) - 722-2210.

In the Vernal area, call (Sheriff's Department) - 789-2511 or call the 24-hour hotline - 789-4888.

Provo. Community Services District Office
260 West 300 North - 373-6154

Vernal
1052 West Market Drive, Suite 4 - 789-5850

2 B The Salt Lake Tribune, Wednesday, December 29, 1982

Kidnap Fears May Ruin Children's Trust

When the Utah Legislature convenes Jan. 10, it will be asked to consider a package of amendments to the state's child abuse laws.

Why?

It has become apparent to those who deal with crimes against children — and the juvenile crime that often results — that laws designed to protect the innocent aren't working. Tribune staff writers Carol Sisco, Terri Ellefsen, Cathy Free and Dave Jonsson took a comprehensive look at the extent of the problems and how they are handled by the system.

This six-part series is a result of their investigation. This is the fourth article in that series.

By Cathy Free
Tribune Staff Writer

Parents who wrap their children in a protective web, hoping to save them from the dangers of being kidnapped, may be too protective. Their actions could hurt the children by raising unrealistic fears about strangers.

Those fears surfaced in Utah when three kidnappings this year resulted in a rash of anti-kidnap programs in schools and police departments. Some experts think the watchfulness is a dangerous overreaction.

"There is a difference between being careful and being afraid," said Dr. Agnes Plenk, executive director and psychologist, Children's Center, who believes recent kidnappings have caused a general state of paranoia.

"Making children anxious about being careful is great, but when does this turn to distrust? It's important that a child develops trust. We shouldn't undermine it," she said.

Can't Trust Himself

"If a child grows up not trusting others, he can't trust himself either," Dr. Plenk emphasized. "Anti-kidnap programs could frighten children."

Dr. Plenk criticized certain self-defense techniques taught in a Child Watch booklet distributed to school children by the Salt Lake City PTA and Salt Lake City Police Department, because she doesn't believe a small child could perform some of the techniques.

She cited an example called "Space Shuttle" where a stranger grabs a boy around the neck. The boy screams and holds his hands together to demonstrate how a child can quickly raise his hands to break free.

"That example is terrible," Dr. Plenk said. "A child would get beaten if he tried that technique. Many of the examples in the booklet could be useful, but that one is awful."

Salt Lake City Police Corporal Mac Connole, who designed the Child Watch booklet with Officer Marsha Jensen and two martial arts instructors, said the "Space Shuttle" technique works and has been proven effective at school assemblies.

"When presenting the booklet in school assemblies, we emphasize that they will probably never have to use these techniques," he said.

After-School Care

Dr. Plenk believes that many anti-kidnap programs are effective but thinks the public should look at long-range solutions rather than individual cases.

"After-school, day care programs are needed desperately," she said. "As more mothers enter the workforce, more children become "latchkey" kids who have to let themselves in the house after school. Programs could be started to relieve some of the stress felt by working parents."

Several children who come to the Children's Center have obviously been affected by the kidnappings, Dr. Plenk said. She designed a test where a series of photographs is shown to a child who is asked what the photo depicts. One example shows a young girl standing alone while other children play in the background.

"Before the kidnappings, most children would say the girl was standing alone or didn't have any friends," Dr. Plenk said. "Now, several children say 'the girl had better watch out for the kidnapper,' or 'she might get kidnapped.' All of this has affected the children. Anxiety is not a good basis for living."

The anxiety factor created by kidnapping scares is apparent in the number of calls received by Salt Lake and Davis County police departments. The Salt Lake County Sheriff's Office received numerous calls concerning suspicious persons and missing children after the Rachael Runyan kidnapping. For example, in July 1982, the sheriff's office received 14 suspicious person calls, compared to 40 in October, shortly after her body was found.

The Salt Lake City Police Department recorded a 75 percent increase in kidnapping calls this year, according to their crime analysis bureau. The majority came immediately after the Runyan kidnapping.

"We've received many, many calls from concerned parents," said Lt. Dean Carr, detective Salt Lake County Sheriff's Office. "Many of these calls were about children who hadn't come home from school and couldn't be found, or from people reporting someone tried to kidnap their child.

"We're also finding people are more apt to take notice when a child throws a temper tantrum in a store and is carried out by angry parents," Lt. Carr said. "People are noticing what is going on around them, which is good."

A boy became upset and left school in one case, so the principal went to find him, Lt. Carr said. A neighbor noticed the boy getting into the principal's car and called the police.

Davis County Sheriff Brant L. Johnson said his department has been flooded with calls from concerned parents, and has received several calls about children being left in cars at shopping centers. Like Lt. Carr, he believes the calls are good because they mean many eyes are watching.

"I just hope people don't fall back into their old ways," he said. "Time soothes all wounds but I hope we can keep the public's interest in staying on top of things. Everyone is watching now. I hope it stays that way."

Among those watching are Mothers Watch volunteers and PTA members.

"Our only safeguard against another kidnapping is to watch out for one another," said Karen Denning, PTA president, Leo J. Muir Elementary School, Bountiful.

"It really makes me angry when I see children left alone in public places," Mrs. Denning said. "We're not trying to frighten the children, we're just trying to be responsible citizens."

Parents Notified

Leo J. Muir Elementary and several other schools have a new policy, calling parents whenever a child doesn't arrive at school, Mrs. Denning said.

Besides panicking parents, kidnappings caused several false kidnap stories to circulate in area schools and communities. The most common one is about a little girl kidnapped from a shopping mall and sedated with drugs. The kidnapper takes her into the women's restroom, dresses her in boy's clothing and cuts her hair, dyeing the rest with black shoe polish.

Other versions of the same false story occur, including one about a child kidnapped from an amusement park, one about children getting snatched from cars at stoplights, and another about little girls kidnapped and sold into South America as slaves.

Such stories are common in nearly every U.S. city, according to Dr. Jan Harold Brunvand, folklore professor, University of Utah.

Mostly Fiction

"I get letters from all over the country about department store kidnappings," he said. "They are fictional narratives that pass from person to person and as they are told they are given a local angle. I don't think people who are telling these rumors are lying deliberately."

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Deseret News
November 30, 1983

Family Support Center helps kids, parents cope

By Glen Warchol
Deseret News staff writer

They look so innocent, so cute — how can they be so bad?

Sometimes kids can misbehave to the point that you're sure they would drive Dr. Spock to violence. At those times, they can generate more noise and confusion than the Chicago commodities exchange and the battle to control them leaves you tired, depressed and just stressed out.

So you yell at them — really holler. But they still don't seem to mind you. Moreover, you don't feel any better. So maybe you hit them — a spanking. Or worse.

But the kids still aren't happy or obedient — they're just scared. You aren't happy either, just even more tired and a lot closer to the end of your rope.

Kids weren't made to be hit, or even yelled at all the time. And parents weren't meant to be miserable with their children and themselves. If your family life has disintegrated to this point, maybe it's time to get help.

Call the Family Support Center, 2020 Lake St. in Salt Lake City at 487-7778 or the Midvale center at 75 W. Center St. at 255-6881.

The center has a crisis nursery that will take charge of the children, while the adult finds someone to talk to who both understands "impossible kids" and parents who run short on love. And no one will be sent away from the center for lack of money.

"Any parent has the potential to abuse a child," said Dr. Ann H. Tyler, executive director of the Salt Lake center. "Most of us have never been educated in child rearing — but we are expected magically to have these skills.

"It's a situation where we have to take what we are given — we can't trade our kids."

Unfortunately, Dr. Tyler says, many parents don't have adequate alternatives for handling their children. The family and childcare professionals at the Family Support Center teach those "coping strategies," she said. These child management skills, offer parents ways to cope with their children and with themselves.

In a ten-week child management course offered by the center, parents learn to have more realistic expectations of their children's behavior based on the child's developmental stage. They learn to think in terms of what their children are trying to communicate when they misbehave.

Parents also learn to deal with their own frustration and anger.

"We have the parent look at what the behavior does to them inside," Dr. Tyler said.

During the 18 months to two years that the family is involved with the center, Dr. Tyler said, the crisis nursery will be used under less extreme circumstances.

"The parent can use the nursery as a way to get some space — as a reward and a way to alleviate stress."

Learning ways to handle your children — what the experts call behavior management — is not easy, Dr. Tyler said. But with time and counseling, a motivated parent can learn a bag of tricks that will provide positive options to yelling and hitting children. These options not only work better but they will leave the parent feeling better about himself.

Most experts agree that hardcore child abuse is learned behavior that is passed down generation to generation. Abused children never develop a positive image of themselves, Dr. Tyler said, or more importantly, an empathy for others.

Emotionally crippled from childhood, the child matures to carry on the family tradition of abuse that can range from excessively yelling at children to sexual assault.

By calling the center the violent legacy can be ended.

"When they call, a lot of them say, 'My child is impossible and I need some help,'" Dr. Tyler said. "What that parent needs is a hug and sympathy."

If the situation is a serious child abuse problem, the center will work with the parent to break the cycle of abuse. Parents, through individual, family and group therapy, will be given support to end isolation, enhance low self-esteem and learn child rearing skills.

The vast majority of people who have trouble raising children can be helped, Dr. Tyler said. The Family Support Center's success rate with troubled families is excellent. Besides the center's own observations on the improvement in child rearing techniques of its clients, the hard statistic is that none of the parents helped by the center have ever been reported again to the Division of Family Services for child abuse.

Family Support Center seeks local volunteers for research

The Family Support Center, developed for the treatment and prevention of child abuse, is looking for volunteers in a joint research project with the Primary Children's Medical Center on the effectiveness of parenting training classes.

The volunteers would take a free parenting course for the project. The identities of volunteers will be kept confidential, said Dr. Ann Tyler, executive director of the center.

Interested volunteers should call Jane Bebb at 487-7778.

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COMMUNITY INVOLVEMENT

Students in today's secondary schools are a part of a world that is changing so quickly that it is becoming an information age. With the increase in technological knowledge, the impact of this information age on education has been spectacular. Questions now arise: How are secondary students being prepared to change and to adapt to this flood of knowledge, and how are they being prepared to relate to the changing communities in which they live? How involved in the activities of the local community are the students who spend a large portion of the day in the confines of the school? Is the school actually a "microcosm" of the larger community as John Dewey conceived, or is it separate and removed from the larger scene?

The community is a living organism that includes the school and is not a separate entity. The community and the activities occurring therein become the real, not the abstract. Students need to become more aware of their community and its needs in order to become active members of the community.

Effective community participation can only take place if the school leaders and the students clearly identify community needs and then proceed to seek solutions in a systematic way. The ability to be specific will enable the teachers and the students to easily identify appropriate resources that will assist in finding solutions to the community needs and problems. In this way, it will be easier for the students to mobilize their talents and energy around meeting the goal(s) and thus feel a sense of accomplishment when the goal(s) has been reached.

How To Have A Successful Community Involvement Project

A greater emphasis on community participation is being given in this session of the Utah CloseUp Program. A step-by-step process for completing such a community involvement project is outlined in the following material. Through participating in this outlined issue, students and educators will gain the necessary skills to: (a) identify an issue of local concern; and (b) carry out a community involvement project on the issue upon their return to their local community following the CloseUp Program. Students will also be able to publish a brochure describing the local community involvement project and to distribute the brochures throughout the community and the state as an example of "youth community action projects."

There are several methods to assess community needs. It is possible to survey community councils and community agencies

to find out the needs that they have ascertained in the community. The newpapers of the community also discuss and point out community needs. In fact, a section often appears that lists areas in which volunteers are needed. The media, including television, radio, and documentary films often address community needs. Another source of information for pinpointing community needs comes from discussing the problems that the students see as community needs. Oftentimes, students are aware of problems in the community that affect students directly.

For students to become involved in community participation projects, they must become involved in community planning. This involves the linking of agencies in order to produce a united effort in solving a community problem or need. There are five key elements to community participation:

1. Identify the community problem or need.

2. Plan the steps necessary to reach the goal or solution to the community problem - establish the goal(s) and objectives.

3. Identify and set up the appropriate structures within the community and get clearance from these agencies or institutions.

4. Identify all community resources.

5. Train the people who are involved in the community project. This involves leadership skills, group management skills, and educational tools necessary to make effective decisions.

GETTING THE JOB DONE

What Goals to Set? Alternative Plans? Deciding What and How to Put Plans Into Action. How to Know When the Job is Done.

1 WRITE YOUR GOAL HERE

2 ASK IS THIS GOAL:

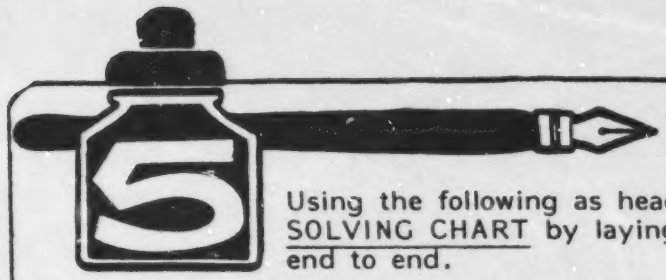
Important? Positive?
Realistic? Time-limited?
Specific?

REWRITE 3 YOUR GOAL HERE

4 WHAT ACTIONS ARE NEEDED TO REACH YOUR GOAL

Some Possible Actions:

Information needed
Money/personal resources required
Skills/abilities needed
Arrangements to be made
Experiences needed
Other related decisions to be made



WRITE YOUR CHART

Using the following as heading, build an ISSUE SOLVING CHART by laying two legal sized papers end to end.

WRITE: OBJECTIVES, EXPECTED OUTCOMES (per Objective), EVIDENCE OF SUCCESS (those things your group feels would typify progress and success per objective), ACTIVITIES (those things that you will do to create completion of each objective), PERSON RESPONSIBLE (that person who is ultimately responsible to complete an objective), RESOURCES AVAILABLE (any resource -- people, materials, etc., --- that may be utilized to complete an objective), RESOURCES NEEDED (Those resources needed in order to complete an objective), COST (what you see as the cost to complete an objective), TIME-LINE (the deadline and step-by-step time sequences for completing each objective).

Example of #5

← 14" → GOAL				← 14" → GOAL				
Objectives	Expected Outcomes	Evidences of Success	Activities	Person Responsible	Resources Available	Resources Needed	Cost	Time-Line

IN CONCLUSION

1. Involve all members of the group. Encourage all to have input.
2. What are the critical issues in your area? You may want to employ a needs assessment to discover what the school and community feels the critical issue is.
3. Prioritize issues and choose the one you will deal with.
4. Follow "Getting the Job Done."
5. Write your "Issue Solving Chart" -- Your ISC.
6. EVALUATE CONSTANTLY!! Are the right people involved? Does your "issue solving direction" need re-routing? Is the track you're on going to lead to the desired outcomes? Is everyone doing their duty? Do you need outside help? etc., etc.

SCHOOL INVOLVEMENT PROJECT

Take What You Are Learning in the Classroom and Put it to Use in Your Community.

Tackle a problem at your school!

Here are steps to follow:

1. Discuss different problems at your school and decide on a problem that most people in your class think you could do something about.

2. Make sure that most people in your class really care about the problem and want to do something about it--not just talk about it.

3. Work together as a class to think up possible ways to work on this problem. Discuss which alternatives might work. What would it take to make them work.

4. Write down a plan of action. What jobs will people in the class have to do in order to carry out the plan of action. (Will some students talk to the principal? Will some students make posters?)

5. GET TO WORK!!!

6. Think about what happened. What was the result of your work? Was it a good plan? How would you do it differently if you had another chance?

This example was taken from the publication, Juvenile Problems and Law, Law in Action Series, Second Edition, Riekes - Ackerly, 1980.

Permission has been granted to use this excerpt.

SOME EXAMPLES OF POSSIBLE PROJECTS ARE:

1. Drug and Alcohol Abuse. A Davis County High School's goal was to help students and the Bountiful community realize the harmful effects of drug and alcohol abuse. To accomplish this goal they made pamphlets and posters about the issue and distributed them to teacher staff meetings, student classes, and in the community. They also had Alcoholics Anonymous and the March of Dimes speak to an assembly of the entire school about the dangerous effects of drugs and alcohol.

2. Family Violence. The Future Business Leaders of America have chosen family violence as their 1983-84 state project. The club will print and distribute brochures and posters, show films, give presentations, solicit donations to purchase items to furnish shelters for battered women, etc., to help the situation. Scott Matheson, Governor of Utah, has given the club his hearty encouragement and will present a trophy to the chapter that does the most toward accomplishing this goal.

3. Some Juan County High Schools did several projects. One high school participated in a Jump-a-thon for the Utah Heart Association and canvassed the community for pledges for a Rock and Roll-a-thon to benefit a local nursing home. The events were held together. While the nursing home residents rocked or rolled, the students jumped.

   Another high school held a local version of CloseUp. They travelled to Blanding to watch the local county government operate. This high school also presented a day's worth of entertainment at a local health clinic, where the waiting period for service can be many hours.

4. Other projects done by previous CloseUp participants include: tutoring younger students in Math and English, improving the landscaping of the school, adding new benches inside the school, participating in "What's Right with America" radio and TV spots, and having a town clean-up.

EXAMPLE - COMMUNITY INVOLVEMENT PROJECT

28 A The Salt Lake Tribune, Friday, December 17, 1982

Clayton Pupils Donate Goods For Homeless

'Tis the season to give, according to students at Clayton Intermediate School, 1471 S. 1800 East.

While discussing the transient problem plaguing Salt Lake City recently, the law classes decided to make the holidays brighter for the homeless by providing Christmas dinner at the Rescue Mission, 463 S. 400 West. Within a week, Clayton's 750 seventh- and eighth-graders had donated $750, as well as piles of clothing, blankets and canned goods, to the cause.

A delegation from the law classes bought enough groceries to serve 300 people and delivered their gift to the mission Thursday. They gave the mission 18 turkeys, 40 pumpkins pies, 20 bags of bread cubes, 30 dozen rolls and hundreds of pounds of vegetables.

"We praise the Lord for it," said Lester Myers, Rescue Mission director. "It's helping us in a tremendous way to do our work."

He estimated the mission would feed more than 700 people Christmas Eve and Christmas Day.

Clayton's vice principal and law teacher praised their students' participation in the Christmas project.

"They're always committed, hard-working students," said Nancy Zimmerman, social studies teacher. "I can't say enough good things about them."

Nick Billings, student body president, said his classmates gave the project "a lot of support" through contributions to bake sales and food drives.

CLAYTON INTERMEDIATE SCHOOL

This is the group which came from one of our schools. This group of young folks raised approximately $600 to buy food, turkeys, potatoes, cranberries, etc. and all the goodies which go into making a good Christmas dinner.

They furnished almost all of the food for Christmas.

They also had a tour of the Mission and were amazed at what we are doing here in the Mission.

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SCOTT M. MATHESON
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114

October 13,1983

Dear Participant:

Preparing youth for involvement in community projects is of great interest to me.

I am most delighted to learn of your interest in family violence and your willingness to take on a public awareness effort for this program. More public awareness and education can help to decrease the existence of a violent life style.

Your organization's goals of:

1) business leadership,
2) building confidence in members,
3) improvement of home, business and community, and
4) character development

are worthwhile and encouraging.

I wish you and your organization every success.

Sincerely,

Governor

SMM:SAB:ggs

Copy of a letter sent by Governor Matheson to the Future Business Leaders of America expressing his support for their public awareness project involving family violence.